

BRITISH ENACTMENTS IN FORCE IN NATIVE STATES.

SOUTHERN INDIA.

(HYDERABAD.)

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BRITISH ENACTMENTS IN FORCE IN NATIVE STATES;

COMPILED BY

J. M. MACPHERSON,

OF THE INNER TEMPLE, BARRISTER-AT-LAW, AND SECRETARY TO THE GOVERNMENT OF INDIA, LEGISLATIVE
DEPARTMENT.

SOUTHERN INDIA. (HYDERABAD.)

[CORRECTED UP TO THE 15TH OCTOBER 1899.]

SECOND EDITION.

(REVISED AND CONTINUED BY

A. WILLIAMS, LL.M., I.C.S.)

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PREFACE TO THE FIRST EDITION.

8

THIS, the Southern India (Hyderabad) Volume of the Lists of British Enactments in force in Native States, contains all the information I have been able to collect concerning the British Enactments in force in the State of Hyderabad.

2. The term "British Enactments," as used in this Volume, covers not merely the enactments made by Parliament or the Legislative Council of the Governor General (including subsidiary Rules and Notifications issued by executive authorities thereunder) in exercise of the general extra-territorial jurisdiction possessed by the British Legislature over certain classes of persons (chiefly British subjects) in all Native States in India, but also the enactments made by the Governor General in Council, in exercise of the special jurisdiction acquired by him over all persons, in the Assigned Districts, the British Cantonments, the Residency Bazaars and the Railways in the Hyderabad State.

3. In order to mark the distinction between these two classes of enactments, all British Enactments applying to the Native State dealt with in this Volume have, besides being placed in different groups according to their local extent, been arranged under different heads, according as they belong to one or other of the classes above referred to. Enactments which expressly purport to be solely made by, or under the authority of, the British Legislature, Imperial or British-Indian, or appear, on the face of them, to have such a limited personal application that they might have been so made, have been arranged under one head and styled "British-Indian Enactments"; whilst enactments which expressly purport to be made, whether in whole or part, under the special jurisdiction acquired by the Governor General in Council in the places above specified, or appear, on the face of them, to have such an extended personal application that they must have been made in part at least, under that special jurisdiction, are placed in separate categories entitled "British-Berar Enactments," "British-Secunderabad Enactments," or otherwise as the case may require. Broadly speaking, the enactments styled "British-Indian Enactments" may be described as personal laws applicable only to certain classes of persons (chiefly British subjects), while the "British-Berar Enactments," the "British-Secunderabad Enactments," and the like may be looked upon as territorial laws applicable to all persons in Berar, Secunderabad, and the other places above indicated respectively.

4. The minor classification under each of these heads is identical, the Enactments being arranged, as far as possible, in separate lists, as they are of the nature of—

- (1) Principal Enactments, that is, Enactments made under the immediate authority of the Legislature or the Executive Government consisting of—

A.—Enactments of the Legislatures—

- (a) Statutes,
- (b) Acts of the Governor-General in Council,

B.—Enactments of the Executive Government—

- (a) Enactments of the British Indian Legislatures applied,
 - (b) Special Laws; or
- (2) Subordinate Enactments, that is, Enactments (Rules and Orders) made under authority conferred in this behalf by Principal Enactments.

5. In addition to the enactments above described, there are the enactments which the Nizam of Hyderabad has made for the territory administered by him. No information in regard to these is available, and they are moreover beyond the proper scope of this work.

6. In order to make this volume a complete handbook to all the British enactments in force in the Native State of Hyderabad, the British enactments applying *generally* to all Native States in India have been included (see Part I), as well as the enactments applying *locally* to this particular Native State.

7. These Lists are intended to be supplementary to Aitchison's Treaties. Accordingly references have been inserted in different places in Part II of this compilation to portions of those Treaties which relate to the Hyderabad State.

8. In compiling the volume—

- (a) Notifications and Rules of a temporary nature and Notifications conferring powers on officials and others by name have, as a rule, been omitted; and
- (b) principal enactments, save the provisions of Acts of the Indian Legislature, which are to be found in the Indian Statute-book, have, as a rule, been set out *in extenso*.

9. Lastly, it should be clearly understood that this volume is not authoritative, and that the Government of India is in no way responsible for its contents. It has been compiled by me, with the assistance of Mr. G. R. Ridge of the Legislative Department office (to whom my thanks are due), from the official Gazettes supplemented by information obtained, through the Foreign Department, from the Resident at Hyderabad. I have made it as complete and accurate as was possible with the materials at my disposal and in the limited time which my official duties have permitted me to devote to the work; but I do not venture to suppose that it requires neither addition nor amendment, or that it is entirely free from errors. At the same time, it is hoped that the volume will be found to be a sufficiently correct and comprehensive statement of British-made law in force in the Native State of Hyderabad, to make it of some practical use to Political Officers and others desirous of obtaining information on the subject.

CALCUTTA;

The 1st January, 1889.

J. M. MACPHERSON.

In his recent valuable work, "The Protected Native States of India," Mr. Lee-Warner states (see page 366) that if the reader "refers to the official Gazettes of the Indian Government he will find many scores of pages devoted annually to the judicial notifications published by the political offices of the Empire. The law relating to the Native States fills thousands of pages." The object of the work now being brought to completion has been to save the labour and trouble involved in referring to the Official Gazettes for these notifications by supplying information in a classified form as to their contents. Though the work only professes to contain lists of the notifications in question, it will be found on examination that, except in the case of the two first volumes, which do not, as a rule, reproduce the subordinate enactments, the whole of each notification referred to in these volumes is set out *in extenso* either in the last column of the Lists or in the appendices, so that a reference to the Gazettes even for the purpose of ascertaining the exact words of a notification has been rendered unnecessary. Indeed, if used in conjunction with the "Codes" published by the Legislative Department, which contain the Statutes, Acts, and Regulations mentioned in the Lists, these volumes ought to form a fairly complete handbook to the British Enactments now in force in the Native States of India.

The subject of the relations between the British Government and the Native States of India has of late been brought before the public not only in Mr. Lee-Warner's work above mentioned, but also in Mr. Tupper's no less valuable work "Our Indian Protectorate." In both these volumes these relations have been treated of chiefly from a politico-historical point of view. In his earlier work entitled "A collection of treaties, engagements and sanads relating to India and neighbouring countries," of which a revised edition has recently been published, Sir Charles Aitchison dealt very fully and comprehensively with the same subject mainly from the standpoint of our contractual relations towards these States. In this and the previous volumes of this work an attempt has been made to approach this subject from what may be described as its legal or jurisdictional aspect, the object being to show the extent to which British-made law applies to these Native States, and though these volumes are practically little more than compilations of information which is available to any one who chooses to study the Gazettes, this will perhaps help to throw light on what has hitherto been a somewhat confusing branch of the subject.

SIMLA;

The 1st January 1895.

J. M. MACPHERSON.

PREFACE TO THE SECOND EDITION.

IN preparing for publication the second edition of this work one important alteration has been introduced which, it is hoped, will render it more useful for purposes of reference. In the first edition the Enactments were merely summarized and included in the lists, with the exception of certain special ones, which were reproduced *in extenso* in Appendices: in the present edition, however, all Enactments which have been issued by the Government of India have been reproduced *in extenso*, except in so far as they are to be found in the volumes of General Acts of the Governor General in Council, or in one of the Provincial Codes. In such cases full references are given: and the chronological lists which formed the basis of the first edition are only retained in a simplified form to serve the purposes of a table or index. In its present form it is hoped that the work may be regarded as a not inadequate supplement to the General Acts of the Governor General in Council and the Provincial Codes.

2. A general nominal index has been added at the end of the sixth Volume (the Western India Volume) for facility of reference.

3. Mr. Macpherson, the Secretary to the Government of India in the Legislative Department, who compiled the first edition, has kindly permitted me to consult him in matters regarding the general scheme of the work, and I have to express my obligations to him for his advice. I have also had the assistance of Mr. Ridge of the Legislative Department Office, who has been most useful in helping to prepare the volumes for press.

SIMLA.

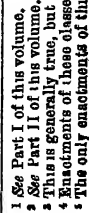
The 15th September, 1899.

A. WILLIAMS.

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General Classification of all the British Enactments which may be made for Native States in India.



STATEMENT No. II.

Classification of British Enactments made for the State of Hyderabad.

<p>I.—BRITISH ENACTMENTS APPLYING GENERALLY IN ALL NATIVE STATES IN INDIA.</p>	<p>I.—BRITISH ENACTMENTS IN FORCE GENERALLY IN ALL NATIVE STATES IN INDIA.</p> <p><i>A.—British-Indian Enactments—</i></p> <p>(1)—Statutes.</p> <p>(2)—Acts of the Governor General in Council.</p> <p>(3)—Rules and Orders under—</p> <p>(a) Statutes in force generally in all Native States in India.</p> <p>(b) Acts of the Governor General in Council in force generally in all Native States in India.</p>
<p>II.—BRITISH ENACTMENTS IN FORCE LOCALLY IN:—</p>	<p>II.—BRITISH ENACTMENTS IN FORCE LOCALLY IN THE NATIVE STATE OF HYDERABAD OR PARTICULAR PLACES IN THAT STATE.</p>
<p>1.—THE HYDERABAD STATE.</p>	<p>1.—THE HYDERABAD STATE.</p> <p><i>A.—British-Indian Enactments—</i></p> <p>Local Rules and Orders under Acts in force generally in all Native States.</p>
<p>2.—THE COMBINED AREAS.</p>	<p>2.—THE COMBINED AREAS.</p> <p><i>British-Combined-Areas Enactments—</i></p> <p>1.—Local Laws made by the Governor General in Council—</p> <p>(a) Acts of the Governor General in Council locally applied.</p> <p>(b) Special Local Laws.</p> <p>2.—Local Rules and Orders under—</p> <p>(a) Acts of the Governor General in Council locally applied.</p> <p>(b) Special Local Laws.</p>
<p>3.—BERAR . . .</p>	<p>3.—BERAR, OR THE HYDERABAD ASSIGNED DISTRICTS.</p> <p><i>A.—British-Indian Enactments—</i></p> <p>1.—Local Rules and Orders under—</p> <p>(a) Statutes in force generally in all Native States.</p> <p>(b) Acts in force generally in all Native States.</p> <p><i>B.—British-Berar Enactments—</i></p> <p>1.—Local Laws made by the Governor General in Council—</p> <p>(a) British-Indian Enactments locally applied—</p> <p>(i) Acts of the Governor General in Council.</p> <p>(ii) Acts of the Governor of Bombay in Council.</p> <p>(b) Special Local Laws.</p> <p>2.—Local Rules and Orders under—</p> <p>(a) British-Indian Enactments locally applied.</p> <p>(b) Special Local Laws.</p>

STATEMENT No. II—*contd.**Classification of British Enactments made for the State of Hyderabad—contd.*

II.—BRITISH ENACTMENTS IN FORCE LOCALLY IN—

4.—THE CANTONMENT OF SIKANDARABAD.

5.—THE HYDERABAD CONTINGENT STATIONS GENERALLY.

6.—THE AURANGABAD CANTONMENT.

7.—THE BOLARAM CANTONMENT.

8.—THE HINGOLI CANTONMENT.

9.—THE JALNA CANTONMENT.

II.—BRITISH ENACTMENTS IN FORCE LOCALLY IN THE NATIVE STATE OF HYDERABAD OR PARTICULAR PLACES IN THAT STATE—*contd.*

4.—THE CANTONMENT OF SIKANDARABAD.

A.—British-Indian Enactments—

1.—Local Rules and Orders—

(a) A Statute in force generally in all Native States.

(b) Acts in force generally in all Native States.

B.—British-Sikandarabad Enactments—

1.—Local Laws made by the Governor General in Council—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

2.—Local Rules and Orders under—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

5.—THE HYDERABAD CONTINGENT STATIONS GENERALLY.

A.—British-Indian Enactment, namely—

Local Order under an Act in force generally in all Native States.

B.—British-Hyderabad Contingent Stations Enactments, namely—

1.—Local Laws made by the Governor General in Council—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

2.—Local Rules and Orders under—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

6.—THE AURANGABAD CANTONMENT.

A.—British-Indian Enactment—

Local Order under an Act in force generally in all Native States.

B.—British-Aurangabad Cantonment Enactments—

1.—Special Local Laws.

2.—Local Rules and Orders under British-Indian Enactments locally applied.

7.—THE BOLARAM CANTONMENT.

A.—British-Indian Enactment —

Local Rules and Order under Acts in force generally in all Native States.

B.—British-Bolaram Enactments—

1.—Special Local Laws.

2.—Local Rules and Orders under—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

8.—THE HINGOLI CANTONMENT.

British-Hingoli Enactment—

Special Local Laws.

9.—THE JALNA CANTONMENT.

A.—British-Indian Enactment—

Local Order under an Act in force generally in all Native States.

B.—British-Jalna Cantonment Enactments—

1.—Special Local Laws.

2.—Local Rules and Orders under British-Indian Enactments locally applied.

STATEMENT No. II—*concl'd.**Classification of British Enactments made for the State of Hyderabad—concl'd.*

II.—BRITISH ENACTMENTS IN FORCE LOCALLY IN—

10.—THE MOMINABAD CANTONMENT.

11.—THE RAICHUR CANTONMENT.

12.—THE HYDERABAD RESIDENCY BAZAARS.

13.—RAILWAYS IN THE STATE OF HYDERABAD.

II.—BRITISH ENACTMENTS IN FORCE LOCALLY IN THE NATIVE STATE OF HYDERABAD OR PARTICULAR PLACES IN THAT STATE—*concl'd.*

10.—THE MOMINABAD CANTONMENT.

British-Mominabad Cantonment Enactments—

1.—Special Local Laws.

2.—Local Rules and Orders under British-Indian Enactments locally applied.

11.—THE RAICHUR CANTONMENT.

A.—British-Indian Enactment—

Local Order under an Act in force generally in all Native States.

B.—British-Raichur Cantonment Enactments—

1.—Special Local Laws.

2.—Local Rules and Orders under—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

12.—THE HYDERABAD RESIDENCY BAZAARS.

A.—British-Indian Enactment—

1.—Local Order under an Act in force generally in all Native States.

B.—British-Hyderabad-Residency-Bazaars Enactments—

1.—Local Laws made by the Governor General in Council—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

2.—Local Rules and Orders under—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

13.—RAILWAYS IN THE STATE OF HYDERABAD.

A.—British-Indian Enactments—

1.—Local Rules and Orders under—

(a) Statutes in force generally in all Native States.

(b) Acts in force generally in all Native States.

B.—British-Hyderabad-Railways Enactments—

1.—Local Laws made by the Governor General in Council—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

2.—Local Rules and Orders under British-Indian Enactments locally applied.

PART I.—THE BRITISH ENACTMENTS IN FORCE GENERALLY IN
ALL NATIVE STATES IN INDIA.

ALL NATIVE STATES IN INDIA.

The British Enactments in force generally in all Native States in India consist of—

British-Indian Enactments, namely,—

1. Statutes.

2. Acts of the Governor General in Council.

3. Rules and Orders—

(a) under Statutes in force generally in all Native States in India ;

(b) under Acts of the Governor General in Council in force generally in all Native States in India.

ALL NATIVE STATES IN INDIA.

*British-Indian Enactments.*1.-STATUTES. ¹

Year.	Reign.	Chapter.	Subject.	Extent of application.
1772 -73	13 Geo. III	63	East India Company Act, 1772. ²	Section 14 declares that the new Charter establishing a Supreme Court of Judicature at Calcutta shall extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Behar and Orissa, or any of them, under the protection of the East India Company; and empowers the Court so established to hear and determine all complaints against any of His Majesty's subjects for any crimes, misdemeanours or oppressions committed or to be committed; and also to entertain, hear and determine any suits or actions whatsoever against any of His Majesty's subjects in Bengal, Behar and Orissa, and any suit, action or complaint against any person who shall at the time such debt or cause of action or complaint shall have arisen, have been employed by, or shall have been, directly or indirectly, in the service of the Company, or any of His Majesty's subjects.
1792 -93		52	The East India Company Act, 1793. ³	Section 67 declares all His Majesty's subjects as well servants of the said United Company as others, to be amenable to all Courts of Justice, both in India and Great Britain, of competent jurisdiction to try offences committed in India, for all acts, injuries, wrongs, oppressions, trespasses, misdemeanours, offences and crimes whatever by them or any of them done or to be done or committed in any of the lands or territories of any Native Prince or State, or against their persons or properties, or the persons or properties of any of their subjects or people, in the same manner as if the same had been done or committed within the territories directly subject to and under the British Government in India.

¹ Many of the Statutes in this List only confer power on the Governor General in Council to make laws for British subjects in Native States instead of prescribing such laws themselves, but it is convenient to include them under this head.

² See Schedule I to the Short Titles Act, 1896 (59 & 60 Vict., c. 14)

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*contd.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1796-97	37 Geo. III.	142	The East India Company Act, 1797. ¹	Section 10 empowers the Supreme Court established by the new Charter at Madras and Bombay to hear and determine all and all manner of complaints against any of His Majesty's subjects for any crimes, misdemeanours and oppressions committed or to be committed; and also to hear and determine all suits and actions whatsoever against any of His Majesty's subjects arising * * * within any of the dominions of the Native Princes of India in alliance with the Governments of Madras and Bombay, respectively, or against persons who, at the time when such debt or cause of action shall have arisen, have been employed by or shall have been, directly or indirectly, in the service of the United Company, or any of His Majesty's subjects.
1833	3 & 4 Will. IV.	85	The Government of India Act, 1833. ¹	Section 73 empowers the Governor General in Council to make Articles of War for the government of Native officers and soldiers in the Military service of His Majesty, and for the administration of justice by Courts-martial to be holden over such officers and soldiers; such articles to prevail and be in force whosoever such officers and soldiers may be serving.
1861	24 & 25 Vict.	67	Indian Councils Act.	Section 22 empowers the Governor General in Council to make laws and regulations for all servants of the Government of India within the dominions of Princes and States in alliance with Her Majesty.
1865	28 Vict.	15	The Indian High Courts Act, 1865. ¹	Section 3 empowers ² the Governor General in Council to authorise and empower High Courts to exercise jurisdiction in respect of Christian subjects of Her Majesty resident within the dominions of such of the Princes and States of India in alliance with Her Majesty as he may from time to time determine.
"	28 Vict.	17	The Government of India Act, 1865. ¹	Section 1 empowers the Governor General in Council to make laws and regulations for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, whether in the service of the Government of India or otherwise.

¹ See Schedule I to the Short Titles Act, 1896 (59 & 60 Vict., c. 14).² For orders issued by the Governor General in Council for His Highness the Nizam's Dominions in connection with this power, see page 15 *infra*.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*contd.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1869	32 & 23 Vict.	98	The Indian Councils Act, 1869. ¹	Section 1 empowers the Governor General in Council to make laws and regulations for Native Indian subjects of Her Majesty without and beyond as well as within the Indian territories under the dominion of Her Majesty.
1876	39 & 40 Vict.	46	The Slave Trade Act, 1876. ¹	Provides ² (section 1) for the punishment of offences against slave trade law committed by British subjects and subjects of allied Native States in such places in Asia and Africa as Her Majesty may specify by order, ³ confers (section 3) certain powers on High Courts in India in regard to obtaining evidence in such allied Native States of the commission of such offences, and extends (section 4) the provisions of the Muscat Order in Council, 1867, to the subjects of allied Native States residing in Muscat territories.
1879	42 & 43 Vict.	41	The Indian Guaranteed Railways Act, 1879. ⁴	Section 1, paragraph 3, and section 2 empower Guaranteed Railway Companies to make agreements with the Secretary of State as to the working of railways, which term is defined as meaning any Railway constructed before or after the passing of this Act and belonging to the Secretary of State for India in Council, or situate in Her Majesty's territories in India, or in any territory in the East Indies belonging to any Native Prince or State in alliance with Her Majesty, or to any European power.
1881	44 & 45 Vict.	58	The Army Act (<i>as amended for the time being by subsequent Acts</i>).	Purports to apply generally to Her Majesty's Forces wherever serving, and particularly when serving in India, which term is defined to mean "British India together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty, exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India." [See section 180 and section 190, clause (21), as amended by the Army (Annual) Act 1890.]

¹ See Schedule I to the Short Titles Act, 1896 (59 & 60 Vict., c. 14).² Only so much of the sections of this Statute as appears to refer to Native States in India or the subjects of such States is here quoted.³ For order under the section, see *Gazette of India*, 1887, Pt. I, p. 381.⁴ Cf. the Oudh and Rohilkhand Railway Purchase Act, 1888 (51 & 52 Vict., c. 6), s. 4.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*contd.*

Year	Reign.	Chapter.	Subject.	Extent of application.
1884	47 & 48 Vict	38	Indian Marine Service	Empowers the Governor General in Council to make laws for all persons employed or serving in, or belonging to, Her Majesty's Indian Marine Service, provided that no such law shall apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence on the High Seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, or on territorial waters between those limits.
1889	52 Vict.	10	Commissioners for Oaths Act.	Section 3 (1) admits of an oath or affidavit required for the purpose of any Court or matter in England, etc., being taken or made in any place out of England, before any person having authority to administer an oath in that place. Section 6 (2) authorises every British Ambassador, Envoy, Minister, Chargé d'Affaires, and Secretary of Embassy or Legation exercising his functions in any foreign country, and every British Consul-General, Acting Consul, Pro Consul, Consular Agent exercising his functions in any foreign place, to administer any oath and take any affidavit and also do any notarial act which any notary public can do in the United Kingdom.
"	52 & 53 Vict.	52	¹ Official Secrets, Act, 1889	Applies to all acts made offences by the Act when committed by British officers or subjects beyond as well as within Her Majesty's dominions. [See section 6 (1).]
	52 & 53 Vict.	63	Interpretation Act, 1889 .	Defines the expression "India" as meaning British India together with any territories of any Native Prince or Chief under the suzerainty of Her Majesty, exercised through the Governor General of India or through any Governor or other officer subordinate to the Governor General of India. [Section 18 (5).]
1890	53 & 54 Vict	37	Foreign Jurisdiction Act, 1890.	Section 15 applies to all subjects of Princes and States in India the provisions of any orders in Council made in pursuance of the Act and extending to persons enjoying Her Majesty's protection

¹ Has practically been superseded so far as India is concerned by the Official Secrets Act, 1889 (XV of 1889), see page 12 *infra*.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*1.—STATUTES—*concl'd.*

Year.	Reign.	Chapter.	Subject.	Extent of application.
1893	56 Vict.	5	Regimental Debts Act, 1893.	Applies (section 25) to India ¹ subject to certain modifications and subject to the proviso that it shall not apply, save so far as may be prescribed, to any Native of India within the meaning of Indian Military Law, and (section 30) to all persons subject to Military Law, whether within or without Her Majesty's dominions.

¹ For meaning of this word *see* the last entry but one on page 7.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*

2.-ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

The general powers of the Council of the Governor General to legislate for persons beyond the limits of British India rest on the following Statutes, namely, the Indian Councils Act, 1861 (24 and 25 Vict., c. 67), s. 22; the Government of India Act, 1865 (28 Vict., c. 17), s. 1; and the Indian Councils Act, 1869 (32 and 33 Vict., c. 98), s. 1. Under them the Council may make Laws and Regulations for—

- (a) Servants of the Government in allied Native States (24 and 25 Vict., c. 67, s. 22);
- (b) European British subjects in allied Native States (28 Vict., c. 17, s. 1); and
- (c) Native Indian subjects anywhere (32 and 33 Vict., c. 98, s. 1).

In addition to these general powers the Governor General in Council is invested with special power—

- (a) under the Statute 3 and 4 Will. IV., c. 85, s. 73 (saved by 24 and 25 Vict., c. 67, s. 22), to make Articles of War for Her Majesty's Indian Army wheresoever serving; and
- (b) under the Statute 47 and 48 Vict., c. 38 (Indian Marine Service Act, 1884,) to make laws for all persons employed or serving in or belonging to Her Majesty's Indian Marine Service whose vessels are within the limits of "Indian Waters," as defined in the Statute.

(In addition to enactments made under the above powers, certain other Acts of the Governor General in Council which have special reference to Native States generally, but which do not contain provisions having actual operation in such States, have been included in the list annexed for facility of reference. Enactments of this class have been printed in italics.)

Year.	No.	Subject.	Extent of application.
1860	XLV	Penal Code (<i>as amended by Acts XXVII of 1870, XIX of 1872, VIII of 1882, X of 1886, I and IV of 1889, X of 1891, III of 1894, III of 1895, VI of 1896 and IV of 1898</i>).	Applies generally to persons liable by any law passed by the Governor General in Council to be tried for an offence committed beyond the limits of British India, and to any Native Indian subject of Her Majesty in any place without and beyond British India, and to any other British subject and to any servant of the Queen, whether a British subject or not, within the territories of any Native Prince or Chief in India (see sections 3 and 4).
1869	IV	Divorce ¹ . . .	Applies generally to British subjects within the dominions of Princes and States in India in alliance with Her Majesty (see section 2).
"	V	Indian Articles of War (<i>as amended by Act XII of 1894</i>). ²	Purports to apply generally to officers, soldiers and followers of Her Majesty's Indian Forces in all parts of the world, and therefore in Native States in India (see articles 90, 99, 171, 174).
"	XX	Volunteers (<i>as amended by Act X of 1896</i>).	Applies generally to British subjects within the dominions of Native Princes and States in alliance with Her Majesty (see section 2).

¹ See in connection with the application of this Act to British subjects in Native States, *Thomson v. Thomson*, I. L. R., 10 Bom., 422.

² For power to make these articles, see 3 and 4 Will. IV., c. 85, in List 1, *supra*, p. 5.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*

Year.	No.	Subject.	Extent of application.
1871	V	<i>Prisoners (as amended by Act VII of 1894).</i>	<p><i>Section 16 empowers officers in charge of prisons in British India to give effect to sentences, orders and warrants of British Courts without British India, and, with previous sanction, of Courts or tribunals of Native Princes or States under the suzerainty of Her Majesty.</i></p> <p><i>Section 19 provides for the reception, detention or imprisonment in any place in British India of persons sentenced to imprisonment or transportation for certain offences within the territories of Native Princes or States under the suzerainty of Her Majesty, by tribunals of which the presiding Judge or one of the Judges is an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council.</i></p>
1872	XV	¹ Christian Marriage (as amended by Acts II of 1891 and II of 1892).	Applies generally to Christian subjects of Her Majesty within the territories of Native Princes and States in alliance with Her Majesty (see section 1).
1873	X	Oaths	Applies generally to subjects of Her Majesty within the territories of Native Princes and States in alliance with Her Majesty (see section 1).
1874	II	¹ Administrator General (as amended by Acts IX of 1881 and II of 1890.)	Applies generally to British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
"	III	Married Women's Property.	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 2).
"	IX	European Vagrancy	Extends generally to the dominions of Princes and States in India in alliance with Her Majesty (see section 1). ²
1875	IX	Majority	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
1877	XI	Military Lunatics	Applies generally to subjects of Her Majesty within the dominions of Native Princes and States in India in alliance with Her Majesty (see section 1).
1879	XXI	¹ Foreign Jurisdiction and Extradition (as amended by Act V of 1896).	<p>Extends generally to—</p> <p>(1) all Native Indian subjects of Her Majesty beyond the limits of British India, and</p> <p>(2) all European-British subjects within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).</p> <p>The amending Act also empowers Political Agents to issue warrants of arrest for deserters from the Imperial Service Troops</p>

¹ For Rules and Orders issued under these Acts, see pages 15 to 20 *infra*.² Sections 4 to 16 (inclusive), 19, 20, 24 and 29 do not come into force in any of the dominions of the Princes and States in India in alliance with Her Majesty not situate within the limits of any Presidency, Lieutenant-Governorship or Chief Commissionership in British India until such day or respective days as the Governor General in Council by notification in the *Gazette of India* appoints in this behalf. With reference to this provision, sections 4 to 9 (inclusive) and sections 19, 20, 24 and 29 were declared to come into force in the dominions of His Highness the Nizam with effect from the 31st July 1890, see Notification No. 2513-1, dated the 31st July, 1890, printed *infra*, p. 26.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*

Year.	No.	Subject.	Extent of application.
1882	XIV	<i>Civil Procedure Code (as amended by Act VII of 1888).</i>	<p><i>Section 90 provides for the service of summons of British Indian Courts in foreign territory.</i></p> <p><i>Section 229 provides for the execution in British India of decrees of Courts established or continued by the Governor General in Council in the territories of any Foreign Prince or State.</i></p> <p><i>Section 229A provides for the transmission of decrees of British Indian Courts for execution by any Court established or continued by the Governor General in Council in the territories of any Foreign Prince or State to which the section has by notification¹ in the Gazette of India been declared to apply.</i></p> <p><i>Section 229B provides for the execution in British India of the decrees of Civil and Revenue Courts of any Native Prince or State in alliance with Her Majesty, on the publication of a notification¹ to that effect in the Gazette of India.</i></p> <p><i>Section 387 provides for the issue of commissions to examine witnesses not residing within British India.</i></p> <p><i>Section 391 declares that the provisions in the Code regarding the execution and return of commissions shall apply to commissions issued by Foreign Courts.</i></p> <p><i>Chapter XXVIII (sections 431 to 434) deals with suits by, or against, any Sovereign Prince or Ruling Chief, whether in subordinate alliance with the British Government or otherwise, or any Ambassador or Envoy of a Foreign State.</i></p> <p><i>Section 464 excepts a Sovereign Prince or Ruling Chief suing or being sued in the name of his State, by direction of the Governor General in Council or a Local Government, from the provisions of Chapter XXXI (suits by or against minors or persons of unsound mind).</i></p> <p><i>Section 650A provides for the service in British India of summons issued by Courts beyond the limits of British India which have either been established or continued by the Governor General in Council, or to which the provisions of the section have been declared by notification¹ in the Gazette of India to apply.</i></p>
1883	XXI	<i>Indian Emigration (as amended by Act I of 1896).</i>	<i>Applies, when notified, in the case of a Native of India departing out of British India under an agreement made with or on behalf of Her Majesty's Government to labour for hire in any country beyond the sea.</i>

¹ See Notifications in General Appendix *infra*, pp 694 to 697.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*contd.*

Year.	No.	Subject.	Extent of application.
1885	XIII	Telegraphs	Applies generally to subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty (see section 1).
1886	II	¹ Indian Income-tax Act, 1886. ²	Applies generally within the dominions of Princes and States in India in alliance with Her Majesty to British subjects in those dominions who are in the service of the Government of India, or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf (see section 1).
"	VI	Births, Deaths and Marriages Registration (<i>as amended by Act XVI of 1890</i>).	Applies generally to British subjects in the dominions of Princes and States in India in alliance with Her Majesty (see section 2).
1887	X	Native Passenger Ships .	Applies generally— (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty; (b) to all Native Indian subjects of Her Majesty without and beyond British India; and (c) subject to certain exceptions, to vessels carrying more than thirty passengers, being Natives of Asia or Africa (see section 2).
"	XIV	Indian Marine (<i>as amended by Acts XVII of 1888 and I of 1899</i>).	Applies generally to persons employed or serving in or belonging to the Indian Marine whose vessels are within the limits of Indian waters, as defined by the Indian Marine Service Act, 1884 (47 & 48 Vict., c. 38).
1888	IV	Reserve Forces	Purports to subject persons belonging to Indian Reserve Forces to military law in the same manner, and to the same extent, as persons belonging to Her Majesty's Indian Forces [<i>i.e.</i> , when serving in Native States as well as elsewhere, see entries opposite the Army Act (44 & 45 Vict., c. 58,) and Act V of 1869, <i>supra</i> , pp. 6 and 9 respectively].
1889	VII	Succession Certificates .	<i>Admits as valid succession certificates granted or extended to residents within Foreign States by British representatives accredited thereto, subject to certain conditions (section 17).</i>
"	XV	Official Secrets	Applies— (a) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty [see section 1 (2) (a)] ; and (b) to all Native Indian subjects of Her Majesty without and beyond British India [see section 1 (2) (b)].
1890	I	Revenue Recovery	<i>Section 8 provides for the recovery in British India of certain public demands arising in local areas beyond British India when this Act has been applied thereto.</i> ³

¹ This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.² For the Order issued under this Act, see p. 20 *infra*.³ As to application of this Act to these areas, see Notification No. 1415-I, dated 3rd April, 1890, printed *infra*, p. 705.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*2.—ACTS OF THE GOVERNOR GENERAL IN COUNCIL—*concl'd.*

Year.	No.	Subject.	Extent of application.
1890	IX	Railways (as amended by Acts X of 1895 and IX of 1896).	Applies to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, and to all Native subjects of Her Majesty without and beyond British India and those dominions [see section 1 (2)].
1891	XII	Repealing and Amending Act, 1891.	So far as it repeals or amends the Acts generally applicable to Native States in India.
1893	V	Capital Sentences .	<i>Sections 1 to 3 provide, under certain circumstances, for the execution by the Superintendents or Keepers of Jails in British India of Capital Sentences passed by British Courts¹ exercising in, or with respect to, territory beyond the limits of British India, jurisdiction which the Governor General in Council has in such territory, and declares that the tribunals mentioned in section 19 of the Prisoners Act, 1871, shall be deemed to be British Courts for the purposes of the Act.</i>
1895	XIV	Pilgrim Ships . .	Applies generally— (a) to all subjects of Her Majesty within the dominions of Princes or States in India under the suzerainty of Her Majesty; and (b) to all Native Indian subjects of Her Majesty without and beyond British India.
1897	X	General Clauses . .	Applies in certain cases to all Acts passed after the 3rd January, 1868, in others, to all Acts made after the 14th January, 1887, and in others to all Acts made after the Act came into force and therefore to such Acts when they apply to Native States.
1898	V	Criminal Procedure ² .	<i>Sections 188 and 189 provide for the trial in British India of European British subjects committing offences in the dominions of Princes or States in India in alliance with Her Majesty, and of Native Indian subjects committing offences anywhere.</i> <i>Chapter XL provides for the issue of commissions for the examination of witnesses residing in the dominions of Princes or States in alliance with Her Majesty.</i>
1898	VI	Indian Post Office . .	Applies generally to— (a) all Native Indian subjects of Her Majesty in any place without and beyond British India; (b) all other British subjects within the territories of any Native Prince or Chief in India; and (c) all servants of the Queen, whether British subjects or not, within the territories of any Native Prince or Chief in India.

¹ As to the Notification empowering such Courts to send their warrants to Superintendents or Keepers of Jails in British India for the execution of capital sentences passed by them, see General Appendix *infra*, p. 703.

² By section 8 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879) the law relating to offences and criminal procedure for the time being in force in British India has generally been extended (subject, as to procedure, to such modifications as the Governor General in Council from time to time directs) to European British subjects in the dominions of Princes and States in India in alliance with Her Majesty, and to Native Indian subjects everywhere.

PART I.—ALL NATIVE STATES IN INDIA—*contd.**British-Indian Enactments.*

3.—RULES AND ORDERS—

(a)—under Statutes in force generally in all Native States.

Statute.	Section.	Subject of Notification.	Reference.
Indian High Courts Act, 1865 (28 Vict., c. 15).	3	Jurisdiction of High Courts in British India over European British subjects in Native States.	No. 178-J., dated the 23rd September, 1874. [Printed <i>infra</i> , p. 15.]

(b)—under Acts of the Governor General in Council in force generally in all Native States

Act.	Section	Subject of Notification.	Reference.
Indian Christian Marriage Act, 1872 (Act XV of 1872).	84	Fees leviable by Marriage Registrars and rules for the disposal thereof.	No. 1586-E., dated the 29th August, 1892. [Printed <i>infra</i> , p. 15.]
Administrator General's Act, 1874 (II of 1874).	3	Presidencies within which Native States shall be included for purposes of the Act.	No. 101-J., dated the 18th July, 1878. [Printed <i>infra</i> , p. 16.]
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	4 & 5	Officers by whom the powers and duties of a District Judge under the Administrator General's Act, 1874 (II of 1874) shall be exercised.	No. 3542-I., dated the 27th August, 1891. [Printed <i>infra</i> , p. 19]
Ditto . . .	6	High Courts to which Justices of the Peace shall commit European British subjects in Native States for trial.	No. 2616-I., dated the 6th August, 1890. [Printed <i>infra</i> , p. 15.]
Ditto . . .	11	Arrest and surrender of persons in Native States accused of offences under the Criminal Tribes Act, 1871 (XXVII of 1871).	No. 3361-I.A., dated the 23rd December, 1898. [Printed <i>infra</i> , p. 20.]
Ditto . . .	13 & 18	Rules for the issue of warrants by Political Agents and treatment of prisoners.	No. 31-J., dated the 12th March, 1875, as amended by No. 87-J., dated the 16th August, 1876. [Printed <i>infra</i> , p. 17.]
Ditto . . .	"	Territory in Native States under the direct administration of the British Government in which the Code of Criminal Procedure is in force, excluded from operation of preceding Notification.	No. 149-J., dated the 8th October, 1875. [Printed <i>infra</i> , p. 19.]
¹ Indian Income-tax Act, 1886 (II of 1886).	40	Appointment of Collectors for Income-tax purposes.	No. 4135-I., dated the 16th September, 1887. [Printed <i>infra</i> , p. 20.]

¹ This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed, 1898, p. 331.

BRITISH-INDIAN ENACTMENTS.

3-(b) Rules and Orders¹ under Statutes or Acts of the Governor General in Council in force generally in all Native States.

Jurisdiction of High Courts over European British subjects in Native States.

No. 178-J., dated the 23rd September, 1874.—With reference to Notification No. 1203,² of this date, in the Home Department, the Governor General in Council is pleased, in the exercise of the powers conferred by the 28th Vict., cap. 15, section 3, to make the following orders:—

Original and appellate criminal jurisdiction over European British subjects of Her Majesty, being Christians, resident in the Native States, territories, and Chiefships below named, shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at *Fort William, Madras, Bombay*, and in the North-Western Provinces, respectively, as follows:³—

* * * * *

III.—BY THE HIGH COURT AT BOMBAY IN—

The Hyderabad Assigned Districts.

Hyderabad, excepting the Assigned Districts.

* * * * *

[See *Gazette of India*, 1874, Pt. I, p. 485.]

No. 2616-I., dated the 6th August, 1890.—In exercise of the powers conferred by section 6 of Act XXI of 1879, the Governor General in Council is pleased to direct that a Justice of the Peace in any Native State, territory or Chiefship specified in Foreign Department Notification No. 178-J., dated the 23rd September, 1874, shall commit for trial to the High Court which, under that Notification, has original and appellate criminal jurisdiction in pursuance of the Statute 28 and 29 Vict., cap. 15, section 3, over European British subjects (being Christians) resident in such State, territory or Chiefship.

2. Foreign Department Notification No. 179-J., dated the 23rd September 1874, is hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 612.]

Fees leviable by Marriage Registrars and Rules for the disposal thereof.

No. 1586-E., dated the 29th August, 1892.—In exercise of the powers conferred by section 84 of the Indian Christian Marriage Act (XV of 1872), the Governor General in Council is pleased, so far as regards Christian subjects of Her Majesty within the territories of Native Princes or States in India for the time being in alliance with Her Majesty (excepting the Native States which are situate within or border on the Presidencies of Fort St. George and Bombay, but including the territories of His Highness the Maharaja of Mysore and those administered by the Agent to the Governor General in Baluchistan as such Agent), to fix the

¹ It is somewhat doubtful whether there are any Rules and Orders which are in force generally in all Native States without exception, but all the Rules and Orders entered in this part were either intended to have such general force or are so very widely in force as to make it convenient to include them here.

² Under this Notification certain districts in British India were placed under the several High Courts in British India for the purposes of jurisdiction over European British subjects.

³ Owing to the great length of the list of Native States appended to this Notification, only the portions relating to His Highness the Maharaja of Mysore are here given.

PART I.—ALL NATIVE STATES IN INDIA—*contd.*

British-Indian Enactments—3-(b) Rules and Orders under Acts.

Fees leviable by Marriage Registrars and Rules for the disposal thereof—*concl'd.*

following scale of fees to be charged under the Act, and to make the following rules in regard to the disposal of such fees:—

I.—*Scale of Fees.*

	Rs.	A.	P.
1. For receiving each notice of marriage	1	0	0
2. For publishing each notice of marriage	2	0	0
3. For the issuing of each certificate of marriage by a Marriage Registrar	5	0	0
4. For registering each marriage by a Marriage Registrar	3	0	0
5. For entering each protest against, or prohibition of, the issue of a marriage certificate by a Marriage Registrar	10	0	0
6. For searching marriage register-books, or certificates or duplicates or copies thereof for a period of not more than one year, or, in the case of a search of the register-books or certificates prescribed under sections 37, 61 and 62, for a period of not more than two years	1	0	0
7. For every additional year	0	4	0
8. For granting a copy of any entry in marriage register-books or certificates or duplicates or copies thereof under sections 63 and 79	1	0	0

II.—*Rules.*

I.—Fees levied by Marriage Registrars, being Government servants, must, until further notice, be paid into the Government Treasury, and shall be credited to provincial services or in such other manner as may be directed by the Government of India. Marriage Registrars who are not Government servants are permitted to retain for their own use any fees which they may receive under the first part of this Notification.

II.—The fees chargeable under the first part of this Notification shall not be levied when the parties concerned are officers or others in the Military or Naval services of Her Majesty.

III.—Marriage Registrars are authorised to remit any portion, not exceeding three-fourths, of the fees in cases in which they may consider the parties unable to pay such fees in full.

2. The following Notifications are hereby cancelled:—

- (1) No. 2220, dated the 16th October, 1873, published at page 902 of Part I of the *Gazette of India* for 1873.
- (2) No. 2223-I., dated the 8th July, 1891, published at page 416 of Part I of the *Gazette of India* for 1891.
- (3) No. 4496-I., dated the 9th November, 1891, published at page 631 of Part I of the *Gazette of India* for 1891.
- (4) No. 388-I., dated the 26th January, 1892, published at page 70 of Part I of the *Gazette of India* for 1892.

[See *Gazette of India*, 1892, Pt. I, p. 564.]

Order as to Presidencies within which Native States should be included for purposes of the Administrator General's Act.

No. 101-J., dated the 19th July, 1878.—In exercise of the power conferred by section 3 of Act II of 1874 (the Administrator General's Act), the Governor General in Council is pleased to direct that the dominions of Princes and States in India in alliance with Her Majesty shall, for the purposes of the said Act, be

PART I.—ALL NATIVE STATES IN INDIA—*contd.*British-Indian Enactments—3 (b)-Rules and Orders under Acts—*contd.*

Order as to Presidencies within which Native States should be included for purposes of the Administrator General's Act, 1874—*concl'd.*

included in the Presidencies of Bengal, *Madras* and Bombay, respectively, as follows¹ :—

* * * * *

IN THE PRESIDENCY OF MADRAS.

* * * * *

The Dominions of His Highness the Nizam of Hyderabad.

* * * * *

[See *Gazette of India*, 1878, Pt. I, p. 438.]

Rules for the issue of warrants by Political Agents and treatment of prisoners.

No. 31-J., dated the 12th March, 1875.—In exercise of the powers conferred on him by sections 13 and 15 of Act XI of 1872,² and of all other powers enabling him in this behalf,³ the Governor General in Council is pleased to make the following rules :—

1. The Political Agent shall not issue a warrant, under section 11 of the Act, in any case which is provided for by Treaty, if the Native State expressly desired to abide by the procedure of the Treaty, nor in any case in which application for surrender is made under section 14 to the Governor General in Council or any Local Government.

2. The Political Agent shall not issue a warrant under section 11, except on a request preferred to him in writing by, or by the authority of, the person for the time being administering the executive Government of the Native State at which he is the British representative, and on the understanding that the provisions of ²Act XI of 1872 and of these rules are to apply to the case.

3. If the accused be a British subject, the Political Agent shall, before issuing such a warrant, consider whether he ought not to certify the case as one for trial in British India, and he shall, instead of issuing a warrant, so certify the case, if he is satisfied that the interests of justice and the convenience of witnesses can be better served by the trial being held in British India than in the Native State.

4. The Political Agent shall in all cases, before issuing a warrant under section 11, satisfy himself, by preliminary enquiry, that there is a *prima facie* case against the accused, and that the charge is not prompted by political motives.

⁴5. If the person surrendered under the warrant of a Political Agent, issued under section 11, be not a British subject; or, if such person being a British subject, the Courts of the State, either by custom or by the express recognition of the Governor General in Council, try Native British subjects surrendered to them by extradition, and the Political Agent, after hearing the statement, if any, of the

¹ Owing to the great length of the list of Native States appended to this Notification, only the portions relating to His Highness the Nizam's Dominions have been set out.

² See now Act XXI of 1879, sections 2, 18 and 18, printed, General Acts, Vol. III, Ed. 1898, p. 288.

³ In spite of this reference to "other powers," these rules have been classified as a British-Indian Enactment, because they appear, in so far as they extend to Native territory, to be of the nature of instructions to Political Agents, *i.e.*, British subjects.

⁴ See now Act XXI of 1879.

⁵ Rule 5 was substituted for the original rule by Notification No. 87-J., dated the 16th August, 1876, see *Gazette of India*, 1876, Pt. I, p. 440.

PART I.—ALL NATIVE STATES IN INDIA—*contd.*British-Indian Enactments—3-(b) Rules and Orders under Acts—*contd.*Rules for the issue of warrants by Political Agents and treatment of prisoners—*contd.*

accused and making such further enquiry as he may deem necessary, is still satisfied that there is a *prima facie* case against the accused, and that the charge is not prompted by political motives, the Political Agent shall make over the accused to be tried by the ordinary Courts of the State in which the offence was committed: provided that the Courts of the State have, by custom or recognition as aforesaid, power to inflict the punishment which may be inflicted under the Indian Penal Code¹ for the offence with which the accused person is charged.

6. If the accused person be a British subject, but the Courts of the State do not by custom or recognition as aforesaid, try Native British subjects, the Political Agent shall dispose of the case himself.

7. If the punishment which may be awarded by the Indian Penal Code¹ for any offence for which the accused person has been surrendered as above be more than the Courts of the State by custom or recognition as aforesaid inflict, the Political Agent may try the case himself if he thinks it advisable to do so.

8. Notwithstanding anything in the three preceding rules, the Political Agent shall try any such case himself, or make it over for trial to the ordinary Courts of the State, if he be generally or specially instructed by the Governor General in Council so to do.

9. In cases made over for trial by the Courts of a Native State under rules 5 and 7, the Political Agent shall satisfy himself that the accused receives a fair trial, and that the punishment inflicted in the case of his conviction is not excessive or barbarous; and, if he is not so satisfied, he shall demand the restoration of the prisoner to his custody, pending the orders of Government.

10. A return of all persons made over for trial by the Courts of a Native State under rules 5 and 7 shall be submitted half-yearly by the Political Agent to the Government of India or the Government of Madras or Bombay, as the case may be, in the following form:—

Half-yearly Return, under Rule 9² of the Rules under the Extradition Act (XI of 1872)³ of persons made over by the Political Agent at _____ for trial by the Courts of Native States under Rules 5 and 7, for the period ending _____

Number.	Name of person.	Nationality.	Offence with which charged.	Where arrested	Date of surrender.	Native State to which surrendered for trial.	Reasons for surrender.	Nature of sentence passed, with date of sentence.	REMARKS.

11. Persons arrested in British territory on a warrant issued by a Political Agent under section 11, and persons arrested on a warrant issued under section 14, shall be treated, as far as possible, in the same way as persons under trial for a similar offence would be treated under the Code of Criminal Procedure [Act X of 1872]⁴

¹ Printed, General Acts, Vol. I, Ed. 1898, p. 240.

² *Sic.* Read "Rule 10."

³ Repealed. See now Act XXI of 1879.

⁴ See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380.

PART I.—ALL NATIVE STATES IN INDIA—*contd.*British-Indian Enactments—3 (b)-Rules and Orders under Acts—*contd.*Rules for the issue of warrants by Political Agents and treatment of prisoners—*contd.*

or under the procedure in force in the Presidency-towns if the arrests take place within any Presidency-town.

12. The persons sentenced to imprisonment by the Political Agent shall, if British subjects, be conveyed to the most convenient jail in British territory, there to be dealt with as though the conviction had taken place in a Court of British India: provided always that no appeal shall thereby be given other than is allowed by any rule for regulating appeals from the decision of the Political Agent.

13. Nothing in Rules 5 to 10, inclusive, which refer to cases under section 13 of the said Act, shall be deemed to apply to Political Agents immediately under the authority of the Governor in Council of the Presidency of Fort St. George or the Governor in Council of the Presidency of Bombay.

[See *Gazette of India*, 1875, Pt. I, p. 128.]

No. 149-J., dated the 8th October, 1875.—The Governor General in Council is pleased to order that the Notification of this Department (*i.e.*, the *Foreign Department*), No. 31-J., dated the 12th March, 1875, publishing certain rules under Act XI of 1872 (The Foreign Jurisdiction and Extradition Act, 1872),¹ shall not apply to Native territory under the direct administration of the British Government, in which the Code of Criminal Procedure (Act X of 1872),² is in force.

[See *Gazette of India*, 1875, Pt. I, p. 524.]

Exercise of powers of a District Judge under the Administrator General's Act in Native States.

No. 5542-I., dated the 27th August, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the powers and duties which are conferred and imposed on a District Judge by section 64 of the Administrator General's Act (II of 1874),³ as amended by section 13 of Act II of 1890, shall, in the dominions of Princes and States in India in alliance with Her Majesty, be respectively conferred upon and discharged by the following officers:—

- (a) In any dominion in or for which a District Court has been established or continued by the Governor General in Council, the Judge of that Court: provided that when more than one officer exercises the powers of a District Judge in any such dominion, it shall be competent for the officer who exercises in that dominion the powers of a High Court to determine by whom the aforesaid powers and duties shall be exercised in any particular case or within any specified area in that dominion; and
- (b) In all other cases, the Political Agent (as defined in section 3 of the first-mentioned Act).

[See *Gazette of India*, 1891, Pt. I, p. 510.]

¹ Repealed. See now Act XXI of 1879, printed, General Acts, Vol. III, Ed. 1898, p. 288.

² See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380.

³ Printed, General Acts, Vol. II, Ed. 1898, p. 419.

PART I.—ALL NATIVE STATES IN INDIA—*concl'd.*

British-Indian Enactments—3-(b) Rules and Orders under Acts—*concl'd.*

Arrest and surrender of persons accused in Native States of offences against the Criminal Tribes Act, 1871 (XXVII of 1871).

No. 3361-I.A., dated the 23rd December, 1898.—In exercise of the powers conferred by section 11 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), the Governor General in Council is pleased to declare that a Political Agent may issue a warrant for the arrest and surrender of any person accused of having done in any State against the law of such State an act which would, if done in any part of British India where the Criminal Tribes Act, 1871 (XXVII of 1871),¹ is for the time being in force, have constituted an offence against any of the provisions of the latter Act.

[See *Gazette of India*, 1898, Pt. I, p. 1196.]

Appointment of Collectors for Income-tax purposes.

No. 4135-I., dated the 16th September, 1887.—In exercise of the powers conferred by section 40 of Act II of 1886² (The Income-tax Act, 1886), the Governor General in Council is pleased to invest each of the Political Officers named below with the powers of a Collector under the said Act for the purpose of granting certificates in respect of interest on Government Securities in Forms B, C and D, prescribed in Rule 9 of the Notification issued by the Government of India in the Department of Finance and Commerce, No. 593,³ dated the 5th February, 1886, when such securities are held by persons residing outside of British India :—

*	*	*	*	*
(6) The First Assistant to the Resident at Hyderabad.				
*	*	*	*	*

[See *Gazette of India*, 1887, Pt. I, p. 465.]

¹ Printed, N.-W. P. and Oudh Code, Ed. 1893, p. 157.

² Only so much of this Notification has been printed here as refers to His Highness the Nizam's Dominions.

³ This short title was also given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

⁴ See now Notification No. 2763, dated the 6th June, 1890, in *Gazette of India*, 1890, Pt. I, p. 409.

PART II.—THE BRITISH ENACTMENTS IN FORCE LOCALLY IN THE NATIVE STATE OF HYDERABAD.

CHAPTER I.—THE HYDERABAD STATE, OR THE TERRITORY ADMINISTERED BY HIS HIGH-
NESS THE NIZAM.

CHAPTER II.—COMBINED AREAS UNDER BRITISH JURISDICTION.

CHAPTER III.—BERAR, OR THE HYDERABAD ASSIGNED DISTRICTS.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD.

CHAPTER V.—THE HYDERABAD CONTINGENT STATIONS.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS.

CHAPTER VII.—RAILWAYS.

CHAPTER I.—THE HYDERABAD STATE.

CHAPTER I.

THE HYDERABAD STATE.

[For the relations of the Hyderabad State to the British Government, see Aitchison's *Treaties*, Volume VIII, Part II, pages 263 to 428.]

The British Enactments in force locally in the Hyderabad State consist of—

British-Indian Enactments, namely,—

Local Rules and Orders made under Acts in force generally in all Native States.

CHAPTER I.—THE HYDERABAD STATE.

British-Indian Enactments.

LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
Indian Divorce Act, XV of 1869.	3 (2)	Appointing the Civil and Sessions Judge of the Hyderabad Assigned Districts for the time being to be District Judge under the Act.	No. 3062-I., dated the 31st September 1893. [Printed <i>infra</i> , p. 26.]
Indian Christian Marriage Act, 1872 (XV of 1872).	56	Appointing the First Assistant to the Resident at Hyderabad as the Officer to receive certificates under section 54.	No. 156-I.J., dated the 8th July, 1881. [Printed <i>infra</i> , p. 26.]
Ditto . . .	86	Delegating to the Resident at Hyderabad the powers and functions given to the Governor General in Council by sections 6, 8 and 9 of the Act.	No. 3742-I.B., dated the 1st October, 1897. [Printed <i>infra</i> , p. 26.]
European Vagrancy Act, 1874 (IX of 1874).	1	Declaring certain sections of the Act to be in force in the Hyderabad State.	No. 2513-I., dated the 31st July, 1890. [Printed <i>infra</i> , p. 26.]
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	4 & 5	Investing the Judicial Superintendent of Aurangabad with powers of a first class Magistrate within the Nizam's dominions in cases in which such powers might lawfully be exercised by the Governor General in Council.	No. 2370-I.A., dated the 23rd June, 1897. [Printed <i>infra</i> , p. 27.]
Ditto . . .	„	Conferring powers of District Magistrate, Court of Session and High Court, under the Criminal Procedure Code, on the Superintendent, Hyderabad Residency Bazzars, the First Assistant to the Resident at Hyderabad and the Resident at Hyderabad respectively, in respect of proceedings against persons other than European British subjects; and prescribing procedure of First Assistant to the Resident at Hyderabad when acting as a Court of Session.	No. 1639-I., dated the 22nd May 1885. [Printed <i>infra</i> , p. 27.]
Ditto . . .	6	Appointing the First Assistant to the Resident to be a Justice of the Peace.	No. 1905-I., dated the 28th May, 1884. [Printed <i>infra</i> , p. 28.]
Ditto . . .	„	Appointing the Superintendent of the Hyderabad Residency Bazzars to be a Justice of the Peace.	No. 1269-I., dated the 23rd April 1885. [Printed <i>infra</i> , p. 28.]
Ditto . . .	„	Appointing the Cantonment Magistrate of Aurangabad and Jalna to be a Justice of the Peace.	No. 165-I., dated the 16th January, 1892. [Printed <i>infra</i> , p. 28.]

CHAPTER I.—THE HYDERABAD STATE—*contd.**British-Indian Enactments.*LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES—*concl'd.*

Act.	Section.	Subject of Notification.	Reference.
Foreign Jurisdiction and Exttradition Act, 1879 (XXI of 1879)— <i>concl'd.</i>	6	Appointing the Cantonment Magistrate at Sikandarabad to be a Justice of the Peace.	<i>No. 3071-I., dated the 18th September, 1890.</i> [Printed <i>infra</i> , p. 29.]
Ditto . . .	„	Appointing the Second Assistant Resident at Hyderabad, being a European-British subject, to be a Justice of the Peace in the State.	<i>No. 1147-I., dated the 22nd March, 1888.</i> [Printed <i>infra</i> , p. 28.]
Ditto . . .	8	Directing that the Code of Criminal Procedure in its application to British subjects in the Hyderabad State shall be read subject to a certain modification.	<i>No. 3089-I., dated the 18th September, 1890.</i> [Printed <i>infra</i> , p. 29.]
Births Deaths and Marriages Registration Act, 1886 (VI of 1886.)	13	Appointing a Registrar of Births and Deaths with reference to section 11 (1) (b) for the whole State except the Assigned Districts and the Cantonment of Sikandarabad, and a Registrar General of Births, Deaths and Marriages.	<i>No. 2714-I., dated the 14th August, 1890.</i> [Printed <i>infra</i> , p. 29.]
Ditto . . .	35 A (1)	Appointing the Registrar General of Births, Deaths and Marriages for the Madras Presidency to be Commissioner for examining and verifying registers and records already sent or which may hereafter be sent to the Registrar General for the Hyderabad State.	<i>No. 662-I., dated the 10th February, 1891.</i> [Printed <i>infra</i> , p. 30]

CHAPTER I — THE HYDERABAD STATE—*contd.*

BRITISH-INDIAN ENACTMENTS.

Local Rules and Orders made under Acts in force generally
in all Native States.

Order under the Divorce Act, 1869 (IV 1869).

No. 3062-I., dated the 1st September, 1893.—In exercise of the powers conferred by section 3, clause (2), of the Indian Divorce Act (IV of 1869), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Civil and Sessions Judge, Hyderabad Assigned Districts, to be the District Judge under the said Act within the dominions of His Highness the Nizam of Hyderabad.¹

[See *Gazette of India*, 1893, Pt. I, p. 510.]

Orders under the Indian Christian Marriage Act, 1872 (XV of 1872).

No. 156-I.J., dated the 8th July, 1881.—In exercise of the powers conferred upon him by section 56 of the Indian Christian Marriage Act (XV of 1872), the Governor General in Council hereby appoints the First Assistant to the Resident at Hyderabad, for the time being, as the officer to whom Marriage Registrars² within the dominions of His Highness the Nizam shall send the certificates mentioned in section 54 of the aforesaid Act.

[See *Gazette of India*, 1881, Pt. I, p. 281.]

No. 3742-I.B., dated the 1st October, 1897.—In exercise of the power conferred by section 86 of the Indian Christian Marriage Act, 1872 (XV of 1872), the Governor General in Council is pleased to delegate to the Resident at Hyderabad the powers and functions given to the Governor General in Council by sections 6, 8 and 9 of the said Act, as regards the territories of His Highness the Nizam of Hyderabad.

[See *Gazette of India*, 1897, Pt. I, p. 873.]

Order under the European Vagrancy Act, 1874 (IX of 1874).

No. 2513-I., dated the 31st July, 1890.—Under the provisions of section 1 of the European Vagrancy Act (IX of 1874), the Governor General in Council is pleased to declare that the provisions of sections 4 to 9 (both inclusive) and of sections 19, 20, 24 and 29 of the said Act, shall come into force from this day in the dominions of His Highness the Nizam of Hyderabad.

[See *Gazette of India*, 1890, Pt. I, p. 597.]

¹ In the Hyderabad Assigned Districts, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations, the Hyderabad Residency Bazaars, and the Railway lands in His Highness's dominions, except the Southern Mahratta Railway and the Barsi Light Railway, the Judicial Commissioner, Hyderabad Assigned Districts, has been appointed to be District Judge, *see* s. 5 of the Hyderabad Assigned Districts Courts Law, 1889, printed *infra*, p. 60.

² All such Marriage Registrars have been appointed by name, and therefore their Notifications of appointment are not included here, *see* preface to the 1st Edition, para. 8, cl. (a).

CHAPTER I.—THE HYDERABAD STATE—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Orders under the Foreign Jurisdiction and Extradition Act, 1879.***Criminal Jurisdiction in certain cases.*

No. 2370-I.A., dated the 23rd June, 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to invest the Judicial Superintendent, Aurangabad, for the time being, with the powers of a Magistrate of the 1st Class, as described in the Code of Criminal Procedure, 1882,¹ to be exercised within the limits of His Highness the Nizam's territories in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories.

[See *Gazette of India*, 1897, Pt. I, p. 551.]

No. 1639-I., dated the 22nd May, 1885.—In exercise of the powers conferred by sections 4 and 5 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879,) and of all other powers enabling him in this behalf,² the Governor General in Council is pleased to direct as follows:—

1. The Superintendent of the Hyderabad Residency Bazzars for the time being shall exercise within the limits of His Highness the Nizam's Territories (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories) the powers of a District Magistrate as described in the ¹Code of Criminal Procedure.

X of 1882.

2. The First Assistant to the Resident at Hyderabad for the time being shall exercise within the limits of His Highness the Nizam's Territories (in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories) the powers of a Court of Session as described in the ¹Code of Criminal Procedure.

X of 1882.

3. The Resident at Hyderabad for the time being shall exercise the powers of a High Court as described in the said Code in respect of all offences over which magisterial jurisdiction is exercised by the Superintendent of the Hyderabad Residency Bazzars within the said territories, and in respect of all offences over which the jurisdiction of a Court of Session is exercised by the First Assistant to the Resident within the said territories.

4. In the exercise of the jurisdiction of a Court of Session conferred on him by this notification, the First Assistant to the Resident may take cognizance of any offence as a Court of Original Criminal Jurisdiction without the accused person being committed to him by a Magistrate, and shall, when so taking cognizance of any offence, follow the procedure laid down by the ¹Code of Criminal Procedure for the trial of warrant cases by Magistrates.

X of 1882.

5. This notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects, and it applies to proceedings which may be pending at the date of this notification

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 289.

² In spite of this reference to "other powers," this notification has been classified as a British-Indian Enactment, because it only extends (*see* para. 6) to the territories administered by His Highness the Nizam, where British jurisdiction is limited to British subjects and servants of the Queen.

CHAPTER I.—THE HYDERABAD STATE—*contd.*

British-Indian Enactments—Local Rules and Orders under Acts—*contd.*

Orders under the Foreign Jurisdiction and Extradition Act, 1879—*contd.*

if they have been instituted and are being conducted in conformity with the provisions herein contained.

6. Nothing in this notification shall be deemed to extend to any cantonment or to the Hyderabad Residency Bazars, or to any railway lands situate within the said territories.

[See *Gazette of India*, 1885, Pt. I, p. 304.]

Appointment of Justices of the Peace.

No. 1905-I., dated the 28th May, 1884.—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of First Assistant to the Resident at Hyderabad, being a European British subject, as a Justice of the Peace within the State of Hyderabad.

[See *Gazette of India*, 1884, Pt. I, p. 218.]

No. 1269-I., dated the 23rd April, 1885.—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Superintendent of the Hyderabad Residency Bazars, being a European British subject, to be a Justice of the Peace within the State of Hyderabad.

[See *Gazette of India*, 1885, Pt. I, p. 265.]

No. 1147-I., dated the 22nd March, 1888.—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the Second Assistant to the Resident at Hyderabad, being a European British subject, to be a Justice of the Peace in the Hyderabad State.

[See *Gazette of India*, 1888, Pt. I, p. 137.]

No. 165-I., dated the 13th January, 1892.—In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of Aurungabad and Jalna, being a European British subject, to be a Justice of the Peace within the Hyderabad State.

[See *Gazette of India*, 1892, Pt. I, p. 40.]

CHAPTER I.—THE HYDERABAD STATE—*contd.***British-Indian Enactments—Local Rules and Orders under Acts—*contd.*****Orders under the Foreign Jurisdiction and Extradition Act, 1879—*concl'd.****Appointment of Justices of the Peace.*

No. 3071-I., dated the 18th September, 1890.—In exercise of the powers conferred by section 6 of Act XXI of 1879 (The Foreign Jurisdiction and Extradition Act, 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate at Sikandarabad, and being a European British subject, to be a Justice of the Peace for the Hyderabad State.

2. This notification supersedes Foreign Department Notification No. 1263-I., dated the 21st April, 1886, appointing the Cantonment Magistrate of Sikandarabad to be a Justice of the Peace within the limits of the Cantonment of Sikandarabad.

[See *Gazette of India*, 1890, Pt. I, p. 696.]

No. 3089-I., dated the 18th September, 1890.—In exercise of the powers conferred by section 8 of the Foreign Jurisdiction and Extradition Act, 1879, the Governor General in Council is pleased to direct that the Code of Criminal Procedure, 1882,¹ in so far as it extends to British subjects in the dominions of His Highness the Nizam of Hyderabad, shall be read subject to the following modification, namely :—

The officer for the time being holding the office of First Assistant to the Resident at Hyderabad shall have power to refer any case instituted before him as a Justice of the Peace in the Hyderabad State to any other Justice of the Peace and to transfer any case instituted before any Justice of the Peace in the said State to another Justice of the Peace in the said State.

[See *Gazette of India*, 1890, Pt. I, p. 696.]

Orders under the British, Deaths and Marriages Registration Act, 1886.

No. 2714-I., dated the 14th August, 1890.—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act, VI of 1886, the Governor General in Council is pleased to appoint the following officers to be Registrars of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act and for the local areas specified in each case :—

- (a) The Second Assistant Resident for the whole of the Hyderabad State, excluding the Hyderabad Assigned Districts and the Cantonment of Secunderabad.
- (b) The Cantonment Magistrate at Secunderabad—for the Cantonment of of Bolarum.
- (c) The Superintendent of Railway Police—for lands and premises within railway limits in the Hyderabad State, excluding the Hyderabad Assigned Districts and the Cantonment of Secunderabad.

2. For the purposes of section 24, sub-section (2), of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths and Marriages for the Madras Presidency for the time being to be Registrar-General for the local areas specified above.

¹ See now the Code of Criminal Procedure, 1898 (Acts V of 1898), printed, General Act, Vol. VI, Ed. 1898, p. 380.

CHAPTER I.—THE HYDERABAD STATE—*contd.*

British-Indian Enactments—Local Rules and Orders under Acts—*concl'd.*

Orders under the Births, Deaths and Marriages Registration Act, 1886—*concl'd.*

3. Paragraph II of Foreign Department Notification ¹No. 3531-I., dated the 5th September, 1889, is hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 621.]

No. 662-I, dated the 10th February, 1891.—In exercise of the power conferred by section 35A (1) of the Births, Deaths and Marriages Registration Act, VI of 1886, as amended by Act XVI of 1890, the Governor General in Council is pleased to appoint the Registrar-General of Births, Deaths and Marriages for the time being for the Madras Presidency to be Commissioner for the purpose of examining and verifying the registers or records which have already been, or may hereafter be, sent to the Registrar-General of Births, Deaths and Marriages for the Hyderabad State.

[See *Gazette of India*, 1891, Pt. I, p. 89.]

¹ Para. I of this notification was cancelled by Notification No. 2713-I., dated the 14th August, 1890 (which is a personal notification), see *Gazette of India*, 1890, Pt. I, p. 621.

CHAPTER I.—THE HYDERABAD STATE—*concl'd.*

SUPPLEMENTARY NOTES.

I.—Declaration as to Foreign territory for purposes of the Tariff Act, 1894 (VIII of 1894)—For the Notifications by the Government of Bombay, declaring the territories of His Highness the Nizam to be Foreign Territory for the purposes of Act XI of 1869 (see now Act VIII of 1894, by section 2 of which previous notifications are kept in force) *see Bombay Government Gazette*, 13th January and 11th May, 1870, Part I, pages 19 and 498, respectively.

II.—Execution and realization of decrees of the Nizam's City and Suburban Courts.—For notification regarding the execution and realisation of decrees of the City and Suburban Courts of the Nizam's Government in Sikandarabad, the Hyderabad Residency Bazzars, and Bolarum Cantonment, and *vice versa*, and regarding the realisation of State demands of either that or the British Government, *see* Notifications No. 26, dated 19th December, 1884, and No. 3316-I., dated the 3rd October, 1890, printed, *infra*, pp. 445 and 606 respectively.

III.—Reciprocal Service of Civil processes between the Nizam's territories and British India.—The reciprocal service of civil processes between the territories of His Highness and British India has been agreed to, *see* Resident's letter No. 145, dated the 10th September 1889, to Foreign Department, and the Rukkha from the Nizam's Minister, No. 2257, dated the 17th August, 1889. For notification declaring that summonses of Civil and Revenue Courts in the Nizam's territories may be served by Courts in British India, *see* Notification No. 752-I.B., dated the 17th March, 1899, printed *infra*, p. 702.

IV.—Extradition.—For Rules regarding the surrender of Hyderabad subjects accused of criminal offences and present or living in the Cantonment of Sikandarabad, and also for making requisitions for the surrender by His Highness the Nizam's Government of persons accused of having committed criminal offences within the Cantonment of Sikandarabad, *see* Notification No. 27, dated 20th December, 1884, printed *infra*, p. 446.

For Extradition Treaty, dated the 25th May, 1867, between the British Government and the Hyderabad State, *see* Aitchison's *Treaties*, Volume VIII, Part II, page 369, and for supplementary agreement dated the 12th September, 1887, modifying the provisions of that treaty with regard to the extradition of offenders from British India to the Hyderabad State, *see* page 371, *ib.*

CHAPTER II.—THE COMBINED AREAS.

CHAPTER II.

COMBINED AREAS UNDER BRITISH ADMINISTRATION.

For purposes of administrative convenience, the Government of India has applied the enactments specified in this chapter to all the areas in Hyderabad territory in which it exercises administrative authority, the application being made in such a manner as to enable the whole of them to be treated as a single unit for the purposes of these enactments and for the exercise of jurisdiction under them. The areas in question are Berar or the Hyderabad Assigned Districts, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Jalna, Mominabad, Hingoli, Raichur and Bolarum, the Hyderabad Residency Bazaars and Railway lands¹ other than those in Berar itself which are included in the Hyderabad Assigned Districts, the Southern Mahratta Railway and the Barsi Light Railway. These areas are, for the purposes of this chapter, briefly designated as the Combined Areas. A brief account of each of them will be found at the beginning of the chapters which deal with them separately.

British enactments in force locally in the Combined Areas consist of—

British-Combined Areas Enactments.

1. Local Laws made by the Governor General in Council—

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

2. Local Rules and Orders under—

- (a) Acts of the Governor General in Council locally applied ;
- (b) Special Local Laws.

¹ While this Volume was passing through the Press, the Hyderabad Godavari Valley Railway was added to these Railway Lands, *see* Notification No. 3382-I.B., dated the 10th November, 1899, *Gazette of India*, 1899, Pt. I, p. 1023.

CHAPTER II.—THE COMBINED AREAS.

British-Combined Areas Enactments.

1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Extent of application.	Reference.
Lunacy (District Courts) Act, 1858 (XXXV of 1858).	The whole and <i>see</i> the Notification .	² No. 1811-I.B., dated the 1st July 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898. [Printed <i>infra</i> , p. 39.]
¹ Indian Lunatic Asylums Act, 1858 (XXXVI of 1858).	Ditto	Ditto.
Indian Penal Code (Act XLV of 1860).	Ditto	Ditto.
Whipping Act, 1864 (VI of 1864).	Ditto	Ditto.
Indian Succession Act, 1865 (X of 1865).	Ditto	Ditto.
Court-fees Act, 1870 (VII of 1870).	Ditto	Ditto.
Cattle-trespass Act, 1871 (I of 1871).	Ditto	Ditto.
Prisoners Act, 1871 (V of 1871).	The whole as applied to the Hyderabad Assigned Districts by Notification No. 3930-I., dated 1st November, 1894, and <i>see</i> the Notification.	Ditto.
Indian Evidence Act, 1872 (I of 1872).	The whole and <i>see</i> the Notification .	Ditto.
Indian Contract Act, 1872 (IX of 1872).	Ditto	Ditto.
Indian Registration Act, 1877 (III of 1877).	Ditto	Ditto
Indian Limitation Act, 1877 (XV of 1877).	Ditto	Ditto.
Vaccination Act, 1880. (XIII of 1880).	Ditto	Ditto.
Probate and Administration Act, 1881 (XV of 1881).	Ditto	Ditto, and as amended by No. 1245-I.B., dated the 12th May, 1899. Printed <i>infra</i> , p. 39.]
Code of Civil Procedure (Act XIV of 1882)	Ditto	No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898. [Printed <i>infra</i> , p. 39.]
Indian Telegraph Act, 1885 (XIII of 1885).	Ditto	Ditto.

¹ These short titles were given by the Indian Short Titles' Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

² While this Volume was passing through the Press the Hyderabad Godavari Valley Railway was added to the Railway Lands dealt with in this Notification by Notification No. 3362-I.B., dated the 15th November, 1899, *Gazette of India*, 1899, Pt. I, p. 1023.

CHAPTER II.—THE COMBINED AREAS—*contd.**British-Combined Areas Enactments.*1.-(a) ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED—*concl'd.*

Act.	Extent of application.	Reference.
Suits Valuation Act, 1887 (VII of 1887.)	The whole and <i>see</i> the Notification.	No. 1811-I.B., dated the 1st July 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898. [Printed <i>infra</i> , p. 39.]
Succession Certificates Act, 1889 (VII of 1889).	Ditto	Ditto.
Revenue Recovery Act, 1890 (I of 1890).	The whole Act	No. 1415-I., dated the 30th April, 1890. [Printed <i>infra</i> , p. 705.]
Guardian and Wards Act, 1890 (VIII of 1890).	The whole and <i>see</i> the Notification.	No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898. [Printed <i>infra</i> , p. 39.]
Epidemic Diseases Act, 1897 (III of 1897).	Ditto	No. 443-I.A., dated the 4th February, 1897. [Printed <i>infra</i> , p. 707.]
Reformatory Schools Act, 1897 (VIII of 1897).	Ditto	No. 1811-I.B., dated the 1st July, 1898, as amended by No. 2779-I.B., dated the 17th October, 1898. [Printed <i>infra</i> , p. 39.]
Provident Funds Act, 1897 (IX of 1897).	Ditto	No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898. [Printed <i>infra</i> p. 39.]
General Clauses Act, 1897 (X of 1897).	Ditto	Ditto.
Indian Short Titles Act, 1897 (XIV of 1897).	Ditto	Ditto.
Code of Criminal Procedure, 1898 (Act V of 1898).	Ditto	Ditto.
Indian Post Office Act, 1898 (VI of 1898).	Ditto	Ditto.
Indian Stamp Act, 1899 (II of 1899).	Ditto	No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1632-I. B., dated the 16th June 1899. [Printed <i>infra</i> , p. 39.]

CHAPTER II.—THE COMBINED AREAS—*contd.**British-Combined Areas Enactments.*

1.-(b) SPECIAL LOCAL LAWS.

When made.	Subject of Law.	Notifications.	Reference.
1890	Recovery of Revenue Arrears accruing in British India.	<i>No. 1415-I., dated the 30th April, 1890.</i>	Printed <i>infra</i> , p. 705.
1891	Printing and publication of newspapers and other printed works.	<i>No. 2651-I., dated the 25th June, 1891.</i>	Printed <i>infra</i> , p. 706.
1893	Empowering British Courts beyond British India to send their warrants for the execution of capital sentences to jails in British India.	<i>No. 1431-I., dated the 27th April, 1893.</i>	Printed <i>infra</i> , p. 703.
1898	The Hyderabad Assigned Districts Courts Law, 1898.	<i>No. 1385-I., dated the 29th March, 1889, as amended by and applied by No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898, 380-I.B., dated the 10th February, 1899, and No. 1345-I.B., dated the 12th May, 1899.</i>	Printed <i>infra</i> , p. 59.
"	The Hyderabad Assigned Districts Small Cause Courts Law, 1898.	<i>No. 1387-I., dated the 29th March, 1889, as amended and applied by No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898.</i>	Printed <i>infra</i> , p. 66.
"	Cancelling certain Notifications in force in the several areas which form the combined areas.	<i>No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1892½-I.B., dated the 9th July, 1898.</i>	Printed <i>infra</i> , p. 39.
1899	Hyderabad Assigned Districts Legal Practitioners Rules, 1899.	<i>No. 1315-I.B., dated the 19th May, 1899.</i>	Printed <i>infra</i> , p. 71.

CHAPTER II.—THE COMBINED AREAS—*contd.**British-Combined Areas Enactments.*

2.-(a) LOCAL RULES AND ORDERS UNDER ACTS OF THE GOVERNOR GENERAL IN COUNCIL LOCALLY APPLIED.

Act.	Section.	Subject of Notification.	Notification.
Indian Succession Act, 1865 (X of 1865).	332	Exempting Native Christians of all denominations whatever residing in the Combined Areas, from the operation of the Act.	No. 1893½-I.B., dated the 9th July, 1898. [Printed <i>infra</i> , p. 82.]
Probate and Administration Act, 1881 (V of 1881)	2	Authorizing the Judicial Commissioner, Hyderabad Assigned Districts, to receive applications for probate and letters of administration throughout the Combined Areas, and giving similar powers to certain other officers for specified parts of those areas.	No. 36, dated the 13th May, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 162.]
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegating powers conferred by s. 2 (2)-(b).	No. 444-I.A., dated the 4th February, 1897. [Printed <i>infra</i> , p. 707.]
Reformatory Schools Act, 1897 (VIII of 1897).	15 (1)	Appointing the Reformatory School at Yeraoda for the reception of youthful offenders from these areas.	No. 1240-J., dated the 28th October, 1898. [Printed <i>infra</i> , p. 82.]
Code of Criminal Procedure, 1898 (Act V of 1898).	392	Prescribing manner in which whipping shall be inflicted.	No. 38, dated the 20th May, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 175.]

CHAPTER II.—THE COMBINED AREAS—*contd.**British-Combined Areas Enactments.*2.-*(b)* LOCAL ORDERS UNDER A SPECIAL LOCAL LAW.

When made.	Subject of law.	Section of Law applied.	Subject of Notification.	Reference.
1898	Hyderabad Assigned Districts Courts Law, 1889, as applied by Notification No. 1811-I.B., dated the 1st July, 1898.	16	Seals prescribed by the Judicial Commissioner, Hyderabad Assigned Districts, for subordinate Criminal Courts throughout the Combined Area.	<i>No. 207, dated the 10th May, 1899.</i> [<i>Hyderabad Residency Orders, 1899, Pt. I, p. 166.</i>]
	Ditto	„	Seals prescribed by the Judicial Commissioner, Hyderabad Assigned Districts, for subordinate Civil Courts in the Combined Area.	<i>No. 208, dated the 10th May, 1899.</i> [<i>Hyderabad Residency Orders, 1899, Pt. I, p. 167.</i>]

BRITISH-COMBINED AREAS ENACTMENTS.

1.-(a) Notification applying Acts of the Governor General in Council.

General Notification.

No. 1811-I.B., dated the 1st July, 1898.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, and the ¹ railway lands in the territories of His Highness the Nizam of Hyderabad (*other ² than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897,*) the laws and enactments specified in the first schedule hereto annexed in so far as the same may be applicable :

Provided, first, that references to a Local Government or to the Chief Controlling Revenue-authority in the said enactments as so applied shall be read as referring to the Resident at Hyderabad, references to a High Court as referring to the Judicial Commissioner of the Hyderabad Assigned Districts, and references to British India or the territories subject to a Local Government as referring to the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the said Hyderabad Contingent Stations and the said railway lands :

Provided, secondly, that the further modifications set forth in the first schedule hereto annexed shall be made in the said laws and enactments as so applied :

Provided, thirdly, that, for the purpose of facilitating the application of the said laws and enactments, any Court in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the said Hyderabad Contingent Stations or the said railway lands may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court.

2. The Notifications of the Government of India in the Foreign Department specified in the second schedule hereto annexed are superseded to the extent mentioned in the second column thereof :

Provided that all civil and criminal proceedings pending at the date of this Notification shall be carried on as if this Notification had not been issued, but that, save as aforesaid, all proceedings commenced, officers appointed or authorized, jurisdictions conferred or confirmed, rules made, orders passed and things done, under any of the Notifications hereby superseded, in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the said Hyderabad Contingent Stations and the said railway lands shall, as far as may be, be deemed to have been respectively commenced, appointed or authorized, conferred or confirmed, made, passed and done under this Notification.

¹ These lands now include the Hyderabad Godavari Valley Railway, see Notification No. 3382-I.B., dated the 13th November, 1899, *Gazette of India*, 1899, Pt. I, p. 1023, which was published while this volume was passing through the Press.

² These words and figures were substituted by Notification No. 18924-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 779.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.—(a) Notification applying Acts—*contd.*

General Notifications.

THE FIRST SCHEDULE.

*Enactments and laws applied.**Further modification and restrictions.*

I.—The Lunacy (Mufassal Courts) Act, 1858 (XXXV of 1858).

II.—The Indian Lunatic Asylums Act, 1858 (XXXVI of 1858).

III.—The Indian Penal Code (XLV of 1860).

IV.—The Whipping Act, 1864 (VI of 1864)

V.—The Indian Succession Act, 1865 (X of 1865).

VI.—The Court-fees Act, 1870 (VII of 1870).²

VII.—The Cattle-trespass Act, 1871 (I of 1871).

VIII.—³ The Prisoners Act, 1871 (V of 1871), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 3930-I., dated the 1st November, 1894.

IX.—The Indian Evidence Act, 1872 (I of 1872).

(1) The Resident at Hyderabad shall be deemed to be the Executive Government.

(2) For section 17A the following section shall be substituted, namely —

“17A.—Whereas the Executive Government has not established within the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, or the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*) any public asylum for the reception and detention of lunatics, the Governor General in Council may, from time to time, appoint any asylum in British India to be an asylum to which any Magistrate or Judge exercising jurisdiction within the limits of the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the said Hyderabad Contingent Stations or the said railway lands may send lunatics, or any class of lunatics, as an asylum established under this Act for these limits.”

(1) For the words “rupee” and “rupees,” wherever they occur, the words “Hali Sikka rupee” and “Hali Sikka rupees,” respectively, shall be substituted, except with reference to the Hyderabad Assigned Districts.

(2) In section 30, for the words “figure-head” the words “centre of the stamp” shall be substituted.

References to the Hyderabad Assigned Districts shall be read as referring to the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad, and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*).

¹ These words and figures were substituted by Notification No. 18924-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 779.

² S. 20 of this Act is repealed in Berar so far as it relates to Revenue-officers, and the whole of s. 13 by the Hyderabad Assigned Districts Land Revenue Code, 1896, printed *infra*, p. 245.

³ Printed *infra*, p. 53.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.—(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*contd.*

X.—The Indian Contract Act, 1872 (IX of 1872).

(1) In section 33, for clauses (a), (b) and (c) the following clauses shall be substituted, namely :

“(a) if the principal at the time of executing the power-of-attorney resides in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikan-darabad, any of the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad, and Raichur, or the railway lands in the territories of His Highness the Nizam of Hyderabad¹ (*other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I B., dated the 26th August, 1897*) a power-of-attorney, executed before, and authenticated by, the Registrar or Sub-Registrar within whose district or sub-district the principal resides, ”

XI.—The Indian Registration Act, 1877 (III of 1877).

“(b) if the principal, at the time aforesaid, resides in any part of British India in which the Indian Registration Act, 1877, is for the time being in force, a power-of-attorney executed before, and authenticated by, the Registrar or Sub-Registrar within whose district or sub-district, as defined in the said Act, the principal resides ;”

“(c) if the principal, at the time aforesaid, does not reside in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikan-darabad, any of the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, or the railway lands in the territories of His Highness the Nizam of Hyderabad, or in any part of British India in which the Indian Registration Act, 1877, is for the time being in force, a power-of-attorney executed before, and authenticated by, a Notary Public or any Court, Judge, Magistrate, British Consul or Vice-Consul or representative of Her Majesty or of the Government of India.”

(2) In the proviso to the same section, for the words and letters “clauses (a) and (b)” the word and letter “clause (a)” shall be substituted.

In the third division of the second schedule, for Article No. 160A the following Article shall be substituted, namely :—

XII.—The Indian Limita-tion Act, 1877 (XV of 1877).

“160A. For a review of judgment by a Court of Small Causes, or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.

Ditto.

The date of the decree or order.”

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¹ These words and figures were substituted by Notification No. 18923-I B, dated the 9th July, 1898, see *Gazette of India*, 1898, Pt I, p. 779

² Entry, XIII relating to the Stamp Act, 1879 (I of 1879), is omitted in accordance with the direction contained in Notification No. 1632-I B., dated the 16th June, 1899, see *Gazette of India*, 1899, Pt. I, p. 474. This notification also added an entry by which the Stamp Act, 1899 (II of 1899), was applied to the Combined Areas, see No. XXVIII below.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*contd.*

(1) For section 1 the following section shall be substituted namely:—

“1. (1) This Act may be called the Vaccination Act, 1880.

(2) It shall come into force—

(a) in the Cantonment of Sikandarabad and in the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur at once; and

(b) in any other local area on the issue of a notification as hereinafter provided.”

(2) For sections 4 and 5 the following sections shall be substituted, namely:—

“4. The Resident at Hyderabad may, by notification in the Hyderabad Residency Orders, extend this Act to any other local area.

“5. The Resident at Hyderabad may, by notification in the Hyderabad Residency Orders, withdraw any local area from the operation of this Act:

Provided that no notification shall be issued under this section in respect of the Cantonment of Sikandarabad or any of the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur without the previous sanction of the Governor General in Council.”

(3) For section 20 the following section shall be substituted namely:—

“20. The Resident at Hyderabad may, subject to the control of the Governor General in Council, by notification in the Hyderabad Residency Orders, make rules for the proper enforcement of this Act in any local area (beyond the limits of a municipality) to which it extends.”

(1) The definition of “province” in section 3, the provisos to sections 52 and 59, and sections 60, 65, 99, 154 and 155 shall be omitted.

(2) In section 3, for the definition of “minor” the following definition shall be substituted, namely:—

“ “minor” means any person who has not completed his age of eighteen years.”

(3) In section 85, the words and figures “except in cases to which the Hindu Wills Act, 1870, applies,” and, in section 152 the words and figures “or Bombay Regulation No. VIII of 1827” shall be omitted.

(4) In section 2, for the second proviso the following proviso shall be substituted, namely:—

“Provided, also, that no Court shall receive any application for probate or letters of administration until the Resident at Hyderabad has, by notification in the Hyderabad Residency Orders, authorized it so to do.”

XIV.—The Vaccination Act, 1880 (XIII of 1880).

XV.—The Probate and Administration Act, 1881 (V of 1881).

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*contd.*

XV.—The Probate and Administration Act, 1881 (V of 1881)—*conold.*

(5) In sections 5, 29, 30 and 41, for the word "province;" in section 26, for the words "province in which application for probate is made;" in section 28, for the words "province in which application is made;" in section 39, for the words "province within which the Court that has granted the probate or letters of administration is situate"; in section 59, for the words "province in which the same is or are granted;" and in section 82, for the words "province in which the same may have been granted;" the words and figures "Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*)" shall be substituted.

(6) In section 39, for the words "such Court" the words "the Court which has granted the probate or letters of administration" shall be substituted.

(7) In section 69, for the words "Collector of the district" the words "Deputy Commissioner of the district in the Hyderabad Assigned Districts, of the Cantonment Magistrate of Sikandarabad in the Cantonment of Sikandarabad and the Hyderabad Contingent Station of Bolarum, and of the Superintendent of the Residency Bazars in the Hyderabad Residency Bazars, the railway lands in the territories of His Highness the Nizam of Hyderabad (*other² than the railway lands in the Hyderabad Assigned Districts and those referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*), and the Hyderabad Contingent Station of Raichur" shall be substituted.

(1) For section 37 the following section shall be substituted namely:—

"37. The recognised agents of parties by whom such appearances, applications and acts may be made or done, shall be such persons as the Resident may, from time to time, by notification in the Hyderabad Residency Orders, appoint in this behalf."

(2) To section 100 the following shall be added, namely: "In any case falling under clause (a) the Court may, instead of proceeding *ex parte*, issue a warrant for the arrest of the defendant and his detention till such date as may be appointed for the hearing of the case, and may also direct the attachment of his property."

(3) In section 182, for the words "in the language of the Court by or in the presence and under the personal direction and superintendence of the Judge" the words "by the Judge in his own language, or in English, if he is sufficiently acquainted with that language," shall be substituted, and the following proviso shall be added, namely:

XVI.—The Code of Civil Procedure (XIV of 1882).

¹ These words and figures were substituted by Notification No. 1892-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 779.

² These words and figures were substituted by Notification No. 1245-B., dated the 12th May, 1899, see *Gazette of India*, 1899, Pt. I, p. 304.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*contd.*

"Provided that, in cases tried by an European officer who has not passed the examination in the vernacular languages prescribed for Assistant Commissioners exercising special powers, the evidence of witnesses shall be recorded in the same manner in the language of such witnesses, by an officer of the Court in the presence and under the personal direction and superintendence of the Judge."

XVI.—The Code of Civil Procedure (XIV of 1882)—*concl'd.*

(4) For section 622 the following section shall be substituted, namely:—

"622. When any decree or order is passed by any Subordinate Court, and no appeal, or no appeal other than that provided by Chapter XLII lies, the Judicial Commissioner of the Hyderabad Assigned Districts may call for the record of the case, and make such order thereon as he thinks fit."

XVII.—The Indian Telegraph Act, 1885 (XIII of 1885).

In section 5, sub-section (2), for the words "to the Local Government" the words "the First Assistant Resident" shall be read.

XVIII.—The Suits Valuation Act, 1887 (VII of 1887).

(1) References to the Hyderabad Assigned Districts shall be read as referring to the Hyderabad Assigned Districts, the Hyderabad Residency Bazzars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna Mominabad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (*other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I, dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August 1897*).

XIX.—The Hyderabad Assigned Districts Courts Law, 1889, published under the Notification of the Government of India in the Foreign Department, ²No. 1385-I., dated the 29th March, 1889, and subsequently amended by the like Notifications No. 4082-I., dated the 18th October, 1889, and No. 773-I., dated the 5th March, 1890.

(2) In section 7, to sub-section (1) the following proviso shall be added, namely:—

"Provided that the Hyderabad Contingent Stations of Aurungabad, Jalna and Mominabad shall be deemed to form part of the district of Buldana, and the Hyderabad Contingent Station of Hingoli part of the district of Basim."

(3) In section 11, after the words "as he thinks fit" the words "the Superintendent of Railway Police in the railway lands in the territories of His Highness the Nizam of Hyderabad, any Attaché to the Resident, and" shall be added.

(4) In section 12, sub-section (2), and in section 14, sub-section (2), after the words "Civil Judge" the words "or an Assistant Commissioner in the Hyderabad Residency Bazzars" shall be added.

³(5) In section 22A, clause (5), after the words "shall be disposed of by the Resident" the words "or such other officer as the Governor General in Council may from time to time specially appoint for that purpose" shall be added.

¹These words and figures were substituted by Notification No. 1829-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 779

²Printed *infra*, p. 69

³Para. 5 was added by Notification No. 380-I.B., dated the 10th February, 1899, see *Gazette of India*, 1899, Pt. I, p. 69.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*contd.*

XX.—¹ The Hyderabad Assigned Districts Small Cause Courts Law, 1889, published under the Notification of the Government of India in the Foreign Department, No. 1387-I., dated the 29th March, 1889.

(1) References to the Hyderabad Assigned Districts shall be read as referring to the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the, Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur and the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897.*

(2) In section 15, for the words "Deputy Commissioner" the words "Judicial Commissioner" shall be substituted, except with reference to the Hyderabad Assigned Districts and the Hyderabad Contingent Stations of Aurungabad, Hingoli, Jalna and Mominabad.

(3) In section 18, sub-section (2), and the words "of the Deputy Commissioner" in the sub-section (1) shall be omitted, except with reference to the Hyderabad Assigned Districts and the Hyderabad Contingent Stations of Aurungabad, Hingoli, Jalna and Mominabad.

(4) Section 23 shall be omitted.

For section 17 the following section shall be substituted, namely :—

"17. Where a certificate in the form of the second schedule to this Act has been granted under the Succession Certificates Act, 1889, by a Court having jurisdiction in British India, or where a certificate in the form, as nearly as circumstances admit, of the said schedule has been granted to a resident within a Foreign State by the British representative accredited to the State, or where a certificate so granted has been extended in such form by such Court or by such representative, the certificate shall have the same effect in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum Hingoli, Jalna, Mominabad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (*other² than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897,* as a certificate granted or extended under this Act."

XXI.—The Succession Certificates Act, 1889 (VII of 1889).

XXII.—The Guardian and Wards Act, 1890 (VIII of 1890).

³ XXIIA.—The Reformatory Schools Act, 1897 (VIII of 1897).

In section 15, sub-section (1), for the words "one province" and "any other province" respectively, the words "British India" and "the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad, and Raichur, and the railway lands in the territories of His Highness the Nizam (other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897)," shall be substituted.

¹ Printed *infra*, p. 66.

² These words and figures were substituted by Notification No. 1892-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 779

³ Entry XXIIA. was added by Notification No. 2779-I.B., dated the 17th October, 1898, see *Gazette of India*, 1898, Pt. I, p. 1054.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*contd.*

(1) In section 2, sub-section (3), after the words "Government of India," the words "or the Government of His Highness the Nizam of Hyderabad" shall be inserted.

XXIII.—The Provident Funds Act, 1897 (IX of 1897).
(2) In respect of the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*):—

- (a) In section 2, sub-section (2) shall be omitted;
- (b) In section 3, sub-section (1), and also in section 4 the words "Government or" shall be omitted; and
- (c) Section 6 shall be omitted.

XXIV.—The General Clauses Act, 1897 (X of 1897).

XXV.—The Indian Short Titles Act, 1897 (XIV of 1897).

(1) Notwithstanding anything in section 14, sub-section (4), of the Code as now applied, the Governor General in Council may confer on any police officer, in respect of the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*), all or any of the powers conferred or conferable by or under the said Code in regard to particular cases or to a particular class or particular classes of cases, or to cases generally.

XXVI.—The Code of Criminal Procedure, 1898 (Act V of 1898).

(2) Except in the Hyderabad Assigned Districts and the Hyderabad Contingent Stations of Aurungabad, Hingoli, Jalna and Mominabad, trials before the Court of Session may, in the discretion of the Sessions Judge, be without jury or aid of assessors.

(3) Nothing in the Code as now applied shall be deemed to apply to proceedings against European British subjects or persons charged jointly with European British subjects.

XXVII.—The Indian Post Office Act, 1898 (VI of 1898).

(1) References to the Collector shall be read as referring to the Deputy Commissioner in the Hyderabad Assigned Districts, to the Cantonment Magistrate in the Cantonment of Sikandarabad and the Hyderabad Contingent Station of Bolarum, and to the Superintendent of the Residency Bazzars in the Hyderabad Residency Bazzars, the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands in the Hyderabad Assigned Districts and those referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*), and the Hyderabad Contingent Station of Raichur.

¹ XXVIII.—The Indian Stamp Act, 1899 (II of 1899).

¹ These words and figures were substituted by Notification No. 1892-I.B., dated the 9th July 1892, see *Gazette of India*, 1892, Pt. I, p. 779.

² This entry was added by Notification No. 1832-I.B., dated the 16th June, 1899, see *Gazette of India*, 1899, Pt. I, p. 474.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE FIRST SCHEDULE—*concl'd.*

(2) For the words "rupee" and "rupees," wherever they occur, the words "Hali Sikka rupee" and "Hali Sikka rupees," respectively, shall be substituted, except with reference to the Hyderabad Assigned Districts.

(3) In section 57, clause (d) after the words "Central Provinces" the words "the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, any of the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, or the railway lands in the territories of His Highness the Nizam of Hyderabad (*other¹ than the railway lands in the Hyderabad Assigned Districts and those referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897*), shall be added.

(4) With reference to the Cantonment of Sikandarabad and the Hyderabad Residency Bazars, the following addition shall be made to article 13 (3) of Schedule 1 of the Act, in partial modification of section 20 thereof, prescribing the proper stamp-duty on bills of exchange the amounts of which are expressed in British Indian currency and are payable otherwise than on demand but not more than one year after date or sight:

XXVIII.—The Indian Stamp Act, 1899 (II of 1899)—*concl'd.*

When the amount exceeds	But does not exceed	Proper stamp duty if drawn singly.	When the amount exceeds	But does not exceed	Proper stamp duty if drawn singly.
British Indian. Rs.	British Indian. Rs.	Hali Sikka. Rs. A.	British Indian. Rs.	British Indian. Rs.	Hali Sikka. Rs. A.
...	200	0 3	50,000	60,000	43 4
200	400	0 6	60,000	70,000	50 7
400	600	0 8	70,000	80,000	57 10
600	1,000	0 12	80,000	90,000	64 13
1,000	1,200	0 15	90,000	1,00,000	72 0
1,200	1,600	1 4	1,00,000	1,10,000	79 4
1,600	2,000	1 13	1,10,000	1,20,000	86 7
2,000	2,500	3 10	1,20,000	1,30,000	93 10
2,500	3,000	5 7	1,30,000	1,40,000	100 13
3,000	3,500	7 4	1,40,000	1,50,000	108 0
3,500	4,000	10 13	1,50,000	1,60,000	115 4
4,000	4,500	14 7	1,60,000	1,70,000	122 7
4,500	5,000	18 0	1,70,000	1,80,000	129 10
5,000	5,500	21 10	1,80,000	1,90,000	136 13
5,500	6,000	25 13	1,90,000	2,00,000	144 0
6,000	6,500	28 0	...	...	...

Bills payable in British Indian rupees more than one year after date or sight require the same stamps as bonds, British Indian Rs. 100 being taken as the equivalent of Hali Sikka Rs. 120.

¹ These words and figures were substituted by Notification No. 1245-I.B., dated the 12th May, 1899, see *Gazette of India*, 1899, Pt. I, p. 304.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1-(a) Notification applying Acts—*contd.*General Notifications—*contd.*

THE SECOND SCHEDULE.

Number and date of Notification.	Extent of super-session.	Subject.
No. 143, dated the 11th June, 1869 . . .	The whole . . .	Applies Act X of 1865 to the Hyderabad Residency Bazars.
„ 212-J., dated the 24th October, 1873 . . .	So much as refers to Acts XXXV and XXXVI of 1865, XIV of 1866, VI of 1864, X of 1865, XIV of 1866, I of 1869, VII, XX and XXVII of 1870, I of 1871 and I, IX, XVIII and XIX of 1872.	Applies these Acts, <i>inter alia</i> , to the Hyderabad Assigned Districts
„ 213-J., dated the 24th October, 1873 . . .	Ditto . . .	Ditto, as regards the Cantonment of Sikandarabad.
„ 77-J., „ the 27th June, 1877 . . .	So much as refers to Act III of 1877.	Applies Acts I and III of 1877 to the Hyderabad Assigned Districts, and the Cantonment of Sikandarabad.
„ 115-J., „ the 19th July, 1878 . . .	The whole . . .	Applies Act XV of 1877 to the Hyderabad Assigned Districts.
„ 121-J., „ the 19th July, 1878 . . .	Ditto . . .	Ditto, as regards the Cantonment of Sikandarabad.
„ 114-I.J., „ the 4th June, 1879 . . .	Ditto . . .	Applies Act I of 1879 to the Hyderabad Assigned Districts.
„ 119-I.J., „ the 4th June, 1879 . . .	Ditto . . .	Ditto, as regards the Cantonment of Sikandarabad.
„ 287-I.J., „ the 9th October, 1879 . . .	Ditto . . .	Applies Act XII of 1879 (amending the Code of Civil Procedure and Acts III and XV of 1877) to the Hyderabad Assigned Districts.
„ 49-I J., „ the 28th January, 1881 . . .	Ditto . . .	Ditto, as regards the Cantonment of Sikandarabad.
„ 131-I J., „ the 24th June, 1881 . . .	So much as refers to Act III of 1877	In continuation of Notification No 77-J, dated the 27th June, 1877, above.
„ 2181-I.J., „ the 4th November, 1881 . . .	The whole . . .	Applies Act V of 1881 to the Hyderabad Assigned Districts.
„ 1496-I., „ the 21st December, 1882 . . .	Ditto . . .	Applies the Code of Criminal Procedure, 1882, to the Cantonment of Sikandarabad.
„ 1099-I., „ the 3rd May, 1883 . . .	Ditto . . .	Applies the Code of Civil Procedure to the Hyderabad Assigned Districts.
„ 1100-I., „ the 3rd May, 1883 . . .	Ditto . . .	Ditto, as regards the Cantonment of Sikandarabad.
„ 3668-I., „ the 23rd September, 1884 . . .	So much as refers to Act VIII of 1882.	Applies Act VIII of 1882 (amending the Indian Penal Code), <i>inter alia</i> , to the Hyderabad Assigned Districts.
„ 4476 I, „ the 18th December, 1884 . . .	The whole . . .	Modifies Notification No 115-J., dated the 19th July, 1878
„ 1637-I., „ the 22nd May, 1885 . . .	Ditto . . .	Establishes Criminal Courts in the Hyderabad Residency Bazars.
„ 2811-I., „ the 18th August, 1885 . . .	Ditto . . .	Applies Act III of 1884 (amending the Code of Criminal Procedure, 1882,) to the Cantonment of Sikandarabad.
„ 3362-I., „ the 17th September, 1886 . . .	Ditto . . .	Applies Act V of 1871 to the Cantonment of Sikandarabad.
„ 3442-I., „ the 23rd September, 1886 . . .	Ditto . . .	Applies Act X of 1886 (amending the Indian Penal Code, Act V of 1871, and the Code of Criminal Procedure, 1882,) to the Cantonment of Sikandarabad.
„ 1143-I., „ the 22nd March, 1889 . . .	Ditto . . .	Applies the Indian Penal Code Acts VI of 1864 and I of 1871, and the Code of Criminal Procedure to the railway lands, and makes arrangements for the exercise of criminal jurisdiction in those lands.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE SECOND SCHEDULE—*contd.*

Number and date of Notification	Extent of super-session	Subject.
No 1144-I., dated the 22nd March, 1888	The whole . .	Applies the Indian Succession Act, 1865 (X of 1865), the Indian Post Office Act, 1868 (X, V of 1866), the Court-fees Act, 1870 (VII of 1870), the Indian Evidence Act, 1872 (I of 1872), the Indian Contract Act, 1872 (IX of 1872), the Indian Limitation Act, 1877 (XV of 1877), the Indian Stamp Act, 1879 (I of 1879), the Probate and Administration Act, 1881 (V of 1881), the Code of Civil Procedure (XIV of 1882), the Indian Telegraph Act, 1885 (XIII of 1885), and the Provincial Small Cause Courts Act, 1887 (IX of 1877) to the railway lands, and makes arrangements for the exercise of civil jurisdiction in those lands.
„ 4116-I., „ the 16th October, 1888	Ditto . .	Applies Act XIII of 1885 to the Hyderabad Assigned Districts
„ 4586-I., „ the 21st November, 1888	So much as refers to Acts IV ¹ and VII of 1886 and VI and VII of 1888	Applies Acts IV of 1889 and VI and VII of 1888, <i>inter alia</i> , to the Hyderabad Assigned Districts.
„ 4591-I., „ the 21st November, 1888	So much as refers to Acts IV and VII of 1886 and VI and VII of 1888	Applies these Acts, <i>inter alia</i> , to the Cantonment of Sikandarabad.
„ 1371-J., „ the 29th March, 1889	The whole . .	Makes the Sikandarabad Small Cause Courts Law, 1889.
„ 1389-J., „ the 29th March, 1889	Ditto . .	Applies Act VII of 1887 and so much of Act X of 1888 as amends the Code of Civil Procedure to the Hyderabad Assigned Districts.
„ 1426-I., „ the 3rd April, 1889	Ditto . .	Applies Act I of 1888 (amending Act I of 1879) to the Hyderabad Assigned Districts.
„ 1428-I., „ the 3rd April, 1889	Ditto . .	Ditto, as regards the Cantonment of Sikandarabad
„ 1651-I., „ the 26th April, 1889	Ditto . .	Applies the Code of Criminal Procedure, 1882, to the Hyderabad Assigned Districts.
„ 1652-I., „ the 26th April, 1889	Ditto . .	Applies so much of Act X of 1888 as amends the Code of Civil Procedure to the Cantonment of Sikandarabad.
„ 2065-I., „ the 22nd May, 1889	Ditto . .	Amends Notification No. 1143-I., dated the 22nd March, 1888.
„ 3723-I., „ the 20th September, 1889	Ditto . .	Applies so much of Act X of 1888 as amends the Indian Penal Code and Act V of 1871 to the Hyderabad Assigned Districts.
„ 14587-I., „ the 6th December, 1889	Ditto . .	Amends Notification No. 1143-I., dated the 22nd March 1888
„ 1615-I., „ the 20th February, 1890	Ditto . .	Applies Act XVIII of 1886 and XX of 1889 (amending Act XXXVI of 1883) to the Hyderabad Assigned Districts
„ 1160-I., „ the 9th April, 1890	Ditto . .	Adds to Notification No. 1493-I., dated the 21st December, 1882.
„ 1374-I., „ the 25th April, 1890	So much as refers to sections 8 to 11 of Act XIII of 1889	Applies Act XII of 1889 to the Cantonment of Sikandarabad.
„ 2523-I., „ the 31st July, 1890	Ditto . .	Makes arrangements for exercise of criminal jurisdiction in the Cantonment of Sikandarabad.
„ 2524-I., „ the 31st July, 1890	Ditto . .	Ditto ditto ditto.
„ 3317-J., „ the 3rd October, 1890	The whole . .	Provides for the exercise of the same civil and criminal jurisdiction and the application of the same laws in the Hyderabad Contingent Station of Bolaram as in the Cantonment of Sikandarabad.
„ 3376-I., „ the 10th October, 1890	Ditto . .	Amends Act XIII of 1889, as applied to the Cantonment of Sikandarabad.

¹ Added by Notification No 1892-I B., dated the 9th July, 1893, see *Gazette of India*, 1893, Pt. I, p 779

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1. (a) Notification applying Acts—*contd.*General Notification—*contd.*THE SECOND SCHEDULE—*contd.*

Number and date of Notification.	Extent of super-session.	Subject.
No. 3377-I, dated the 10th October, 1890 . .	The whole	Amends the Sikandarabad Small Cause Courts Law, 1889.
„ 3378-I, „ the 10th 'ctober, 1890 . .	Ditto	Makes arrangements for the exercise of civil jurisdiction in the Cantonment of Sikandarabad
„ 3659-I, „ the 31st October, 1890 . .	Ditto	Applies Act XIII of 1885 to the Cantonment of Sikandarabad
„ 3999-I, „ the 27th November, 1890 . .	Ditto	Applies Act V of 1881 and the amending Acts VI of 1889 and II of 1890 to the Hyderabad Residency Bazars.
„ 4284-I, „ the 17th December, 1890 . .	Ditto	Applies Act VIII of 1890 to the Hyderabad Assigned Districts.
„ 4295-I, „ the 17th December, 1890 . .	Ditto	Ditto, as regards the Cantonment of Sikandarabad.
„ 4452-I, „ the 29th December, 1890 . .	Ditto	Applies Act XIII of 1885 to the Hyderabad Residency Bazars.
„ 531-I, „ the 3rd February, 1891 . .	Ditto	With reference to Notification No. 212-J, dated the 24th October, 1873, makes a modification in section 30 of Act VII of 1870, as applied to the Hyderabad Assigned Districts.
„ 532-I, „ the 3rd February, 1891 . .	Ditto	Ditto, as regards Notification No. 213-J, dated the 24th October, 1873, and the Cantonment of Sikandarabad.
„ 564-I, „ the 10th February, 1891 . .	Ditto	Makes arrangements for the exercise of civil jurisdiction in the Hyderabad Residency Bazars.
„ 565-I, „ the 10th February, 1891 . .	Ditto	Makes the Hyderabad Residency Bazars Small Cause Courts Law, 1891.
„ 2007-I, „ the 11th May, 1891	Ditto	Provides for the exercise of the same civil and criminal jurisdiction and the application of the same laws in the Hyderabad Contingent Station of Hingoli as in the Basim District.
„ 12255-I, „ the 28th May, 1891	Ditto	Applies Act I of 1891 (amending Act I of 1871) to the railway lands.
„ 2256-I, „ the 28th May, 1891	Ditto	Applies Act III of 1891 (amending the Code of Criminal Procedure, 1882, and Act I of 1872) to the railway lands.
„ 2257-I, „ the 28th May, 1891	Ditto	Applies Act IV of 1891 (amending the Code of Criminal Procedure, 1882) to the railway lands.
„ 2544-I, „ the 18th June, 1891	Ditto	Applies Act I of 1891 (amending Act I of 1871) to the Hyderabad Assigned Districts.
„ 2546-I, „ the 18th June, 1891	Ditto	Applies Act III of 1891 (amending the Code of Criminal Procedure, 1882, and Act I of 1872) to the Hyderabad Assigned Districts
„ 2547-I, „ the 18th June, 1891	Ditto	Applies Act IV of 1891 (amending the Code of Criminal Procedure, 1882), to the Hyderabad Assigned Districts.
„ 2549-I, „ the 18th June, 1891	Ditto	Applies Act I of 1891 (amending Act I of 1871) to the Cantonment of Sikandarabad.
„ 2551-I, „ the 18th June, 1891	Ditto	Applies Act III of 1891 (amending the Code of Criminal Procedure, 1882, and Act I of 1872) to the Cantonment of Sikandarabad.
„ 2552-I, „ the 18th June, 1891	Ditto	Applies Act IV of 1891 (amending the Code of Criminal Procedure, 1882) to the Cantonment of Sikandarabad.
„ 3627-I, „ the 17th September, 1891 . .	Ditto	Applies Act X of 1891 (amending the Indian Penal Code and the Code of Criminal Procedure, 1882) to the Hyderabad Assigned Districts.

¹ Added by Notification No. 18924-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 779.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1-(a) Notification applying Acts—*contd.*General Notifications—*contd.*THE SECOND SCHEDULE—*contd.*

Number and date of Notification.	Extent of super-session.	Subject.
No. 3884-I., dated the 22nd September, 1891	The whole	Applies Act XIII of 1880 to the Hyderabad Assigned Districts
„ 4045-I., „ the 2nd October, 1891 . .	Ditto	Provides for the exercise of the same civil and criminal jurisdiction and the application of the same laws in the Hyderabad Contingent Stations of Aurungabad and Jalna as in the Buldana District.
„ 4201-I., „ the 15th October, 1891 . .	Ditto	In continuation of Notification No. 119-I.J., dated the 4th June, 1879, makes a modification in Act I of 1879 as applied to the Cantonment of Sikandarabad.
„ 4607-I., „ the 24th November, 1891 . .	Ditto	Provides for the exercise of the same civil and criminal jurisdiction and the application of the same laws in the Hyderabad Contingent Station of Mominabad as in the Buldana District.
„ 5088-I., „ the 31st December, 1891 . .	Ditto	Invests the Superintendent of the Railway Police with the powers of a Small Cause Court within the railway lands
„ 159-I., „ the 13th January, 1892 . .	Ditto	Applies Act XIII of 1880 to the Cantonment of Sikandarabad
„ 173-I., „ the 18th January, 1892 . .	Ditto	Applies Act VII of 1889 to the Hyderabad Assigned Districts.
„ 175-I., „ the 13th January, 1892 . .	Ditto	Ditto, as regards the Cantonment of Sikandarabad.
„ 177-I., „ the 13th January, 1892 . .	Ditto	Ditto, as regards the Hyderabad Residency Bazars.
„ 179-I., „ the 13th January, 1892 . .	Ditto	Ditto, as regards the railway lands.
„ 3477-I., „ the 9th September, 1892 . .	Ditto	Provides for the transfer of criminal cases in the Cantonment of Sikandarabad.
„ 3478-I., „ the 9th September, 1892 . .	Ditto	Ditto, as regards the Hyderabad Residency Bazars.
„ 3631-I., „ the 21st September, 1892 . .	Ditto	Provides for the transfer of civil suits in the Cantonment of Sikandarabad.
„ 3633-I., „ the 21st September, 1892 . .	Ditto	In continuation of Notification No. 664-I., dated the 10th February, 1891, provides for the transfer of civil suits in the Hyderabad Residency Bazars.
„ 4426-I., „ the 1st December, 1892 . .	Ditto	Applies Act XXXVI of 1858 to the Cantonment of Sikandarabad, the Hyderabad Residency Bazars and the railway lands.
„ 4427-I., „ the 1st December, 1892 . .	Ditto	Applies Act XXXIV of 1858 to the Cantonment of Sikandarabad.
„ 1299-I., „ the 18th April, 1894 . . .	Ditto	Applies Act III of 1877 to the railway lands.
„ 1833-I., „ the 30th May, 1894 . . .	Ditto	Applies Act I of 1879 to the Hyderabad Residency Bazars.
„ 1838-I., „ the 30th May, 1894 . . .	Ditto	Applies Act VII of 1870 to the Hyderabad Residency Bazars.
„ 2008-I., „ the 14th June, 1894 . . .	Ditto	Provides for the transfer of civil appeals in the railway lands.
„ 2009-I., „ the 14th June, 1894 . . .	Ditto	Provides for the transfer of criminal cases in the railway lands.
„ 2412-I., „ the 18th July, 1894 . . .	Ditto	Provides for the exercise of the same civil and criminal jurisdiction and the application of the same laws in the Hyderabad Contingent Station of Baichur as in the railway lands.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1-(a) Notification applying
Acts—*contd.*General Notifications—*concl'd.*THE SECOND SCHEDULE—*concl'd.*

Number and date of Notification	Extent of super-session.	Subject
No. 2750-I., dated the 15th August, 1894 . .	The whole .	Applies Act III of 1894 (amending the Indian Penal Code and the Code of Criminal Procedure, 1882) to the Hyderabad Assigned Districts.
„ 2362-I., „ the 19th July, 1895 . . .	Ditto .	Amends Notification No 3317-I., dated the 3rd October, 1890.
„ 2364-I., „ the 19th July, 1895 . . .	Ditto .	Amends Notification No. 2412-I., dated the 18th July, 1894
„ 2366-I., „ the 19th July, 1895 . . .	Ditto .	Amends Notifications Nos 2007-I., dated the 11th May, 1891, 4045-I., dated the 2nd October, 1891, and 4607-I., dated the 24th November, 1891.
„ 2461-I., „ the 26th July, 1895 . . .	Ditto .	Corrects Notification No 2364-I., dated the 19th July, 1895.
„ 3001-I., „ the 10th September, 1895 .	Section 100 of the Regulation for the better administration of the Hyderabad Residency Bazars, 1895	The section referred to provides for the extension of Act XIII of 1880 to the Hyderabad Residency Bazars
„ 3522-I., „ the 24th October, 1895 . .	The whole .	Corrects section 100 of the Regulation for the better administration of the Hyderabad Residency Bazars, 1895.
„ 11-I., „ the 15th November, 1895]. .	Ditto .	Applies Act XIV of 1866 to the Cantonment of Sikandarabad
„ 2805-I., „ the 4th September, 1896 .	Ditto .	Makes an addition to article II (b) of Schedule I of the Indian Stamp Act, 1879 (I of 1879), as applied to the Hyderabad Residency Bazars
„ 2806-I., „ the 4th September, 1896 .	Ditto .	Ditto, as regards the Cantonment of Sikandarabad.

[See *Gazette of India*, 1898, Pt. I, p. 704.]¹ Added by Notification No. 18924-I.B., dated the 9th July, 1898, see *Gazette of India*, 1898, Pt. I, p. 770.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.***

The Prisoners Act, 1871 (V of 1871), as amended by Acts IX of 1882, X of 1886 and V of 1894.

¹No. 3930-I., dated the 1st November, 1894.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, as modified below, of the Prisoners Act (V of 1871), as amended by Acts IX of 1882, X of 1886, and VII of 1894, to the Hyderabad Assigned Districts.

II.—The following notifications of the Government of India in the Foreign Department are hereby cancelled to the extent specified opposite them respectively, namely—

<i>Notifications.</i>	<i>Extent of cancellation.</i>
No. 212-I.J., dated the 24th July, 1873.	So much as relates to Act V of 1871 (Prisoners).
No. 3358-I., dated the 17th September, 1886.	The whole.
No. 3723-I., dated the 20th September, 1889.	So much as relates to the portion of Act X of 1886 which amends the Prisoners Act, 1871.

Provided that this cancellation shall not be deemed to affect the validity of any rules or orders which may have heretofore been issued under the said Act V of 1871 (as amended by Acts IX of 1882 and X of 1886) as applied to the Hyderabad Assigned Districts.

The Prisoners Act (V of 1871).²
(As amended by Acts IX of 1882, X of 1886, and VII of 1894.)

I.—PRELIMINARY.

Short title.	1. This Act may be called the Prisoners Act, 1871; and
Local extent.	It extends to the whole of the Hyderabad Assigned Districts. ²

Any reference in Part II or Part IV of this Act to a prison or jail or to imprisonment or confinement may be read as referring to a reformatory or reformatory school or to confinement therein.

II.—PRISONERS IN THE HYDERABAD ASSIGNED DISTRICTS.**2. Officers in charge of prisons within the Hyderabad Assigned Districts shall**

Officers in charge of prisons may give effect to sentences of certain Courts.	be competent to give effect to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal acting, whether
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¹See entry No. VIII in Schedule I to Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

²In this Act, in its application to the Combined Areas, references to the Hyderabad Assigned Districts are to be read as referring to the Hyderabad Residency Ezars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurangabad, Bolarum, Hingoli, Jalna, Momina-abad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the Government of India, Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897), see Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.—(a) Notification applying Acts—*contd.*The Prisoners Act, 1871—*contd.*

within or without the Hyderabad Assigned Districts or British India, under the general or special authority of Her Majesty or of the Governor General in Council, or of any Local Government, or, with the previous sanction of the Governor General in Council in each case, to any sentence or order or warrant for the detention of any person passed or issued by any Court or tribunal of any Native Prince or State under the suzerainty of Her Majesty.

Where a Court or tribunal of such a Native Prince or State has passed a sentence which cannot be executed without the concurrence of an officer of the British Government, and such sentence has been judicially considered on the merits and confirmed by any such officer specially authorised by name or by office in that behalf, such sentence; and any order or warrant issued in pursuance thereof, shall be deemed to be the sentence, order or warrant of a Court or tribunal acting under the authority of the Governor General in Council

3. A warrant under the official signature of an officer of such Court or tribunal shall be sufficient authority for holding any prisoner in confinement, or for sending any prisoner for transportation beyond sea in pursuance of the sentence passed upon him

Warrant of officer of such Court to be sufficient authority.

4. Any officer in charge of a prison doubting the legality of any warrant sent to him for execution under this Part, or the competency of the person whose official seal and signature are affixed thereto to pass the sentence and issue such warrant, shall refer the matter to the Resident at Hyderabad, by whose order on the case such officer and all other public officers shall be guided as to the future disposal of the prisoner.

Pending any such reference, the prisoner shall be detained in such manner and with such restrictions or mitigations as may be specified in the warrant.

5. The Governor General in Council or the Resident at Hyderabad may authorise the reception, detention or imprisonment in any place in the Hyderabad Assigned Districts, for the period specified in their respective sentences, of persons sentenced within the territories of any Native Prince or State under the suzerainty of Her Majesty to imprisonment or transportation for any of the following offences:—

Imprisonment in the Hyderabad Assigned Districts of persons convicted of certain offences in Native States.

counterfeiting coin,
uttering counterfeit coin,
murder,
culpable homicide not amounting to murder,
being a thug,
voluntarily causing grievous hurt,
administering poison,
kidnapping,
selling minors for purposes of prostitution,
rape,
robbery,
dacoity,
dacoity with murder,
robbery or dacoity with attempt to cause death or grievous hurt,
attempt to commit robbery or dacoity when armed with a deadly weapon,
making preparation to commit dacoity,

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.—(a) Notification applying Acts—*contd.*The Prisoners Act, 1871—*contd.*

belonging to a gang of dacoits,
dishonest misappropriation of property,
breach of trust,
house-burning,
house-breaking,
forgery, and
theft of cattle;

XLV of 1860.
XLI of 1879.

or for any other act (referred to in this section as an offence) which would, if done in British India, have constituted an offence against any of the sections of the Indian Penal Code mentioned in the schedule to the ¹Foreign Jurisdiction and Extra-dition Act, 1879,

or for attempt to commit any of the above offences,

or for an abetment, within the meaning of the ²Indian Penal Code, of suicide by burning or burying alive, or of any of the other offences above specified,

or for such other offences as the Governor General in Council, from time to time, by order published in the *Gazette of India*, thinks fit to prescribe :

Provided that such sentences have been pronounced after trial before a tribunal of which the presiding Judge, or, if the Court consisted of more than one Judge, at least one of such Judges, was an officer of the British Government authorised to act as such Judge by the Native Prince or State or by the Governor General in Council.

6. Every officer of Government^t so authorised as aforesaid shall forward with every prisoner a certificate of his conviction, and a copy of the proceedings held at the trial, that the same may be forthcoming for reference at the place where the sentence of imprisonment or transportation is carried into effect.

Certificate of conviction.

Copy of proceedings.

III.—CONVICTS SENTENCED TO PENAL SERVITUDE.

7. Every person sentenced to be kept in penal servitude may, during the term of the sentence, be confined in such prison within the Hyderabad Assigned Districts as the Governor General in Council by general order, from time to time, directs ;

Persons sentenced to penal servitude where sent, and how dealt with.

and may, during such time, be kept to hard labour ;

and may, until he can conveniently be removed to such prison, be imprisoned, with or without hard labour, and dealt with in all other respects as persons sentenced by the convicting

Court to rigorous imprisonment may, for the time being, by law be dealt with.

The time of such intermediate imprisonment and the time of removal from one prison to another, shall be taken and reckoned in discharge or part discharge of the term of the sentence.

Time of intermediate imprisonment to count in discharge of sentence.

¹ Printed, General Acts, Vol. III, Ed. 1898, p. 288.

² See s. 108 of the Code, which was applied to these Areas by Notification No 1811-I B., dated the 1st July 1898, printed *supra*, p. 39. For the Code, see General Acts, Vol. VI, Ed. 1898, p. 240.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.—(a) Notification applying Acts—*contd.*The Prisoners Act, 1871—*contd.*

8. All Acts and Regulations now in force within the Hyderabad Assigned Districts, with respect to convicts under sentence of transportation or imprisonment with hard labour applied to persons sentenced to penal servitude.

be construed to apply to persons under any sentence of penal servitude.

9. The Governor General in Council may grant to any convict sentenced to be kept in penal servitude a license to be at large within the Hyderabad Assigned Districts or in such part thereof as in such license is expressed, during such portion of his term of servitude and upon such conditions as to the Governor General in Council seem fit.

The Governor General in Council may at any time revoke or alter such license.

10. So long as such license continues in force and unrevoked, such convict shall not be liable to imprisonment or penal servitude by reason of his sentence, but shall be allowed to go and remain at large according to the terms of such license.

11. In case of the revocation of any such license as aforesaid, any Secretary to the Government of India or the Secretary to the Resident for Berar may, by order in writing, signify to any Justice of the Peace or Magistrate that such license has been revoked, and require him to issue a warrant for the apprehension of the convict to whom such license was granted and such Justice or Magistrate shall issue his warrant accordingly.

12. Such warrant may be executed by any officer to whom it may be directed or delivered for that purpose in any part of the Hyderabad Assigned Districts and shall have the same force in any place within the Hyderabad Assigned Districts as if it had been originally issued or subsequently endorsed by the Justice of the Peace or Magistrate or other authority having jurisdiction in the place where the same is executed.

13. The convict, when apprehended under such warrant, shall be brought, as soon as conveniently may be, before the Justice or Magistrate by whom it has been issued, or before some other Justice or Magistrate of the same place or before a Justice or Magistrate having jurisdiction in the district in which the convict is apprehended.

Such Justice or Magistrate shall thereupon make out his warrant under his hand and seal, for the recommitment of the convict to the prison from which he was released by virtue of the said license.

14. Such convict shall be re-committed accordingly, and shall thereupon be liable to be kept in penal servitude for such further term as, with the time during which he may have been imprisoned under the original sentence and the time during which he may have been at large under an unrevoked license, is equal to the term mentioned in the original sentence.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1-(a) Notification applying Acts—*contd.*****The Prisoners Act, 1871—*contd.*****IV.—REMOVAL OF PRISONERS.**

15. If a license be granted under section 9 upon any condition specified therein, and the convict to whom the license is granted
 Penalty for breach of condition of the license. violates any such condition,

or goes beyond the limits specified in the license,

or, knowing of the revocation of such license, neglects forthwith to surrender himself, or conceals himself, or endeavours to avoid being apprehended,

he shall be liable upon conviction to be sentenced to penal servitude for a term not exceeding the full term of penal servitude mentioned in the original sentence.

16. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, as applied to the Hyderabad Assigned Districts,¹ the Resident at Hyderabad or (subject to his orders and under his control) the Inspector-General of Jails, Hyderabad Assigned Districts, may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of confinement within the Hyderabad Assigned Districts.

X of 1882. Removal from one jail to another in territories under the Resident at Hyderabad.

17. (1) Whenever it appears to the Resident at Hyderabad that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, the Resident, by a warrant setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other place of safe custody within the Hyderabad Assigned Districts, there to be kept and treated as the Resident directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or, if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

(2) When it appears to the Resident at Hyderabad that the prisoner has become of sound mind, the Resident, by a warrant directed to the person having charge of the prisoner, shall if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the Hyderabad Assigned Districts, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

(3) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*), as applied to the Hyderabad Assigned Districts,² shall apply to every person confined in a lunatic asylum under sub-section (1) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

¹ See now Act V of 1898, which is in force in these Areas in virtue of Notification No. 1811-I.B., dated the 1st July 1898, printed *supra*, p. 39.

² See now the Notification referred to in the preceding note, by which Act XXXVI of 1858 was applied to the Combined Areas.

CHAPTER II.—THE COMBINED AREAS.—*contd.***British-Combined Areas Enactments—1.-(a) Notification applying Acts—*contd.*****The Prisoners Act, 1871—*concl'd.***

(4) In any case in which the Resident at Hyderabad is competent under sub-section (1) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the Hyderabad Assigned Districts, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand, and discharge of a prisoner removed by order of the Resident shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

18. When any person is, or has been, sentenced to imprisonment or transportation by any Court, or in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882,¹ as applied to the Hyderabad Assigned Districts, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or transportation or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any jail or place of confinement in British India. X of 188:

V.—MANAGEMENT OF TRANSPORTED CONVICTS.

19. The Governor General in Council may, from time to time, appoint places within the Hyderabad Assigned Districts to which persons sentenced to transportation shall be sent: and the Resident at Hyderabad, or some officer duly authorised in this behalf by the Resident, shall give orders for the removal of such persons to the places so appointed except when sentence of transportation is passed on a person already undergoing transportation under a sentence previously passed for another offence.

Power to make rules as to convicts. 20. The Governor General in Council may, from time to time, prescribe rules as to the following matters:—

- the classification of convicts;
- their confinement, treatment, discipline and employment;
- their punishment for misbehaviour, disorderly conduct, neglect or disobedience; and
- the manner in which the proceeds (if any) of their employment shall be disposed of.

[See *Gazette of India*, 1894, Pt. I, p. 597.]

Revenue Recovery Act, 1890 (I of 1890).

No. 1415-I., dated the 30th April 1890.—printed *infra*, p. 705.

The Epidemic Diseases Act, 1897 (III of 1897).

No. 443-I.A., dated the 4th February 1897.—printed *infra*, p. 707.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied to the Combined Areas by Notification No. 1811-I.B., dated the 1st July 1898, printed *supra* p. 39. The Code is printed in the General Act, Vol. VI, Ed. 1898, p. 880.

CHAPTER II.—THE COMBINED AREAS—*contd.*

British-Combined Areas Enactments—1-(b) Special Local Laws.

The Hyderabad Assigned Districts Courts Law, 1889, as applied to the Combined Areas.¹

No. 1385-I., dated the 29th March, 1889.—The Governor General in Council has been pleased to make the following rules relating to Courts in the Hyderabad Assigned Districts :—

Preliminary.

1. (1) These rules may be called the Hyderabad Assigned Districts Courts Law, 1889, and are hereinafter referred to as “this Law”; and
Title and commencement.

(2) They shall come into force on the first day of July, 1889 (hereinafter called the commencement of this Law).

(3) Any authority conferred on the Resident or on the Judicial Commissioner by this Law to issue orders or make rules may be exercised at any time after the publication of this Law; but an order or rules so issued or made shall not take effect till the commencement of this Law.

2. (1) On and from the commencement of this Law the Notifications of the Government of India, Foreign Department, No. 156-I., dated the 30th September, 1870, and No. 640-G., dated the 20th March, 1874, shall be deemed to be rescinded.
Notifications rescinded.

(2) Any law or document referring to either of those notifications shall be construed to refer to this Law or to the corresponding portion thereof; and

(3) All declarations and appointments made, powers conferred and orders issued under those notifications shall, so far as may be, be deemed to have been respectively made, conferred and issued under this Law.

3. In this Law, unless there is something repugnant in the subject or context,—
Definition.

(1) “Resident” means the Resident at Hyderabad;

(2) “Assistant Commissioner” includes Extra Assistant Commissioner;

(3) “Tahsildar” includes Attaché; and

(4) “value” used with reference to a suit means the amount or value of the subject-matter of the suit.

Court of the Judicial Commissioner.

Judicial Commissioner to be High Court. 4. (1) A Judicial Commissioner shall be appointed by the Governor General in Council.

(2) Subject to the provisions of this Law and of any other law for the time being in force, the Court of the Judicial Commissioner shall be deemed to be the highest Civil Court of appeal in, and the highest Court of criminal appeal or revision for, the Hyderabad Assigned Districts.²

¹ See Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² Read now the Hyderabad Assigned Districts, the Hyderabad Residency Bazzars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Anrumbad, Bolarum, Hingoli, Jalna, Mominabad and Raichur and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897), see Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39, and so throughout the Law.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Courts Law, 1889—*contd.*

(3) Where, on the application of any enactment of the Governor General in Council to those districts, words signifying the Court of the Resident have been substituted for an expression signifying a High Court in British India, those words shall, after the commencement of this Law and subject to the provisions thereof, be construed to mean the Court of the Judicial Commissioner.

Jurisdiction under Divorce Act.

5. For the purposes of the ¹Indian Divorce Act, IV of 1862, the Judicial Commissioner shall throughout those districts be the District Judge.

Other Civil Courts.

6. Besides the Court of the Judicial Commissioner and the Courts of Small Causes established under the Hyderabad Assigned Districts Small Cause Courts Law, 1889,² there shall be the following Courts, namely :—

- (a) the Court of the Deputy Commissioner ;
- (b) the Court of the Assistant Commissioner of the first class ;
- (c) the Court of the Assistant Commissioner of the second class ;
- (d) the Court of the Assistant Commissioner of the third class ;
- (e) the Court of the Tahsildar of the first class ;
- (f) the Court of the Tahsildar of the second class.

7. (1) The local limits of the jurisdiction of the Court of the Deputy Commissioner shall be those of the district of the revenue administration of which he is in charge :
 Court of Deputy Commissioner to be District Court

³ Provided that the Hyderabad Contingent Stations of Aurungabad, Jalna and Mominabad shall be deemed to form part of the Buldana District and the Hyderabad Contingent Station of Hingoli, part of the district of Basim.

(2) Subject to the provisions of this Law and of any other law for the time being in force,—

- (a) the Court of the Deputy Commissioner shall be competent to try original civil suits without limit as regards the value ; and
- (b) the Deputy Commissioner shall be deemed to be the District Judge of the district, and his Court to be the District Court or principal Civil Court of original jurisdiction in the district.

8. (1) The Resident may, by order in writing, declare, as regards any Assistant Commissioner, that his Court shall be that of an Assistant Commissioner of the first or of the second or of the third class, and, as regards any Tahsildar, that his Court shall be that of a Tahsildar of the first or of the second class, and may cancel such order.
 Courts of Assistant Commissioners and Tahsildars.

¹ Printed, General Acts, Vol. II, Ed. 1898, p. 4. As to territorial application of the Act in the Assigned Districts only, see Notification No. 212-J., dated the 24th October, 1873, printed *infra*, p. 99.

² Printed *infra*, p. 66

³ Added by Notification No 1811-I.B., dated the 1st July, 1895 printed *supra*, p. 39.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Courts Law, 1889—*contd.*

(2) Courts of Assistant Commissioners and Tahsildars shall be competent to try original civil suits of which the value does not exceed that specified against each Court in the following table :—

Courts	Value.
Court of the Assistant Commissioner of the first class . . .	Five thousand rupees.
Court of the Assistant Commissioner of the second class . . .	One thousand rupees.
Court of the Assistant Commissioner of the third class . . .	Five hundred rupees.
Court of the Tahsildar of the first class	Three hundred rupees.
Court of the Tahsildar of the second class	One hundred rupees.

Provided that the Resident may, by order in writing, limit the classes of original civil suits which the Courts of Tahsildars of the first or of the second class shall be competent to try.

(3) The local limits of the jurisdiction of the Courts mentioned in this section shall be such as the Resident may, by order in writing, define.

Special Jurisdiction.

Appointment of Civil Judges and Munsifs. 9. (1) The Resident may, by order in writing, invest any person—

(a) with all or any of the powers of the Court of the Deputy Commissioner under this Law, or

(b) with all or any of the powers of the Court of a Tahsildar of the first or of the second class under this Law ;

and declare that the powers with which any person is so invested shall be exercised within any specified local area, and with respect to any particular class or particular classes of cases, or with respect to cases generally, and that they shall be exercised in that local area with respect to those cases for a limited period only, and may cancel or modify such order.

(2) A person invested with powers under sub-section (1) shall be designated Civil Judge if invested under clause (a), and Munsif if invested under clause (b).

(3) The Court of a Civil Judge and the Court of a Munsif shall, for all purposes connected with the exercise of the powers with which the Civil Judge or the Munsif has been invested, be deemed to be, respectively, the Court of a Deputy Commissioner and the Court of a Tahsildar.

(4) The Resident may, by order in writing, direct how business shall be distributed between a Deputy Commissioner and a Civil Judge and between a Tahsildar and a Munsif.

10. (1) The Resident may, by order in writing, confer, within such local limits Power to confer Small Cause as he thinks fit, upon any Court of an Assistant Court jurisdiction. Commissioner of the first or of the second class, the jurisdiction of a Judge of a Court of Small Causes under the Hyderabad Assigned Districts Small Cause Courts Law, 1889,¹ for the trial of suits cognizable by such Courts up to such value as he thinks fit, not exceeding, if the Court is that of an

¹ Printed *infra*, p. 66.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Courts Law, 1889—*contd.*

Assistant Commissioner of the first class, five hundred rupees. or, if the Court is that of an Assistant Commissioner of the second class, one hundred rupees.

(2) So much of Chapters III and IV of the Hyderabad Assigned Districts Small Cause Courts Law¹ as relates to—

- (a) the nature of the suits cognizable by Courts of Small Causes,
- (b) the exclusion of the jurisdiction of other Courts in those suits,
- (c) the practice and procedure of Courts of Small Causes,
- (d) appeal from certain orders of those Courts and revision of cases decided by them, and
- (e) the finality of their decrees and orders subject to such appeal and revision as are provided by the said Law,

applies to Courts invested under sub-section (1) with the jurisdiction of a Court of Small Causes so far as regards the exercise of that jurisdiction by those Courts.

11. The Resident may, by order in writing, invest, within such local limits as he thinks fit,² [the Superintendent of Railway Police in the railway lands in the territories of His Highness the Nizam of Hyderabad, any Attaché to the Resident, and] any Naib Tahsildar with jurisdiction to try suits of the nature cognizable by a Court of Small Causes established under the Hyderabad Assigned Districts Small Cause Courts Law, 1889,¹ up to such value, not exceeding fifty rupees, as he thinks fit.

Administrative Control over Civil Courts.

12. (1) The general superintendence and control over all other Civil Courts shall be vested in, and all such Courts shall be subordinate to, the Court of the Judicial Commissioner and Deputy Commissioner.

(2) Subject to the general superintendence and control of the Court of the Judicial Commissioner, the control of all other Civil Courts in a district shall be vested in, and all such Courts shall be subordinate to, the Court of the Deputy Commissioner :

Provided that the Resident may, by order in writing, direct that a Civil Judge³ [or an Assistant Commissioner in the Hyderabad Residency Bazzars] shall be subject to the control of, and subordinate to, the Court of the Judicial Commissioner only.

13. Notwithstanding anything in the Code of Civil Procedure,³ [or in the Hyderabad Assigned Districts Small Cause Courts Laws, 1889, or in this Law], the Court of the Deputy Commissioner may, by order in writing, direct that any civil business cognizable by it and the Courts under its control shall be distributed among those Courts in such manner as it thinks fit :

³ Provided that, except in so far as it may affect the exclusive jurisdiction of a Court of Small Causes or a Court invested with the jurisdiction of a Court of Small

¹ Printed *infra*, p. 66.

² These words were added by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

³ These words and this proviso were added by Notification No. 778-I., dated the 5th March, 1890, see *Gazette of India*, 1890, Pt. I, p. 121.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Courts Law, 1889—*contd.*

Causes, a direction given under this section shall not empower any Court to exercise any powers or deal with any business beyond the limits of its proper jurisdiction.

Civil Appellate and Revisional Jurisdiction.

14. (1) An appeal from a decree passed in an original civil suit by a Court subordinate to the Court of the Deputy Commissioner shall, when the appeal is allowed by law and the value of the suit does not exceed five hundred rupees, lie to the Court of the Deputy Commissioner.

(2) An appeal from a decree passed in an original civil suit of value exceeding five hundred rupees by the Court of an Assistant Commissioner of the first or of the second class or by a Civil Judge¹ [or an Assistant Commissioner in the Hyderabad Residency Bazzars] who is subordinate to the Court of the Deputy Commissioner, and from a decree passed in an original civil suit of any value by the Court of a Deputy Commissioner, or by a Civil Judge who is not subordinate to that Court, shall, when the appeal is allowed by law, lie to the Court of the Judicial Commissioner.

(3) An appeal from an appellate decree passed by a Civil Court subordinate to the Court of the Judicial Commissioner shall, when the appeal is allowed by law, lie to the Court of the Judicial Commissioner.

15. (1) Paragraph (14) of the Notification of the Government of India, Foreign Department, No. 1099-I., dated the 3rd May 1883,² and so much of the first paragraph of the Notification of the Government of India, in the same Department No. 209-I.J., dated the 20th October, 1881, as relates to the definition of the expression "Court" in section 3 of the³ Land Acquisition Act, 1870, are hereby rescinded.

X of 1870.

(2) For the definition of "Court" in section 3 of the Land Acquisition Act, 1870,³ the following shall be substituted, namely :—

"The expression 'Court' means the Court of the Civil Judge of the district, or, where there is not such a Court in a district, such Court of a Civil Judge in the Hyderabad Assigned Districts as the Judicial Commissioner may nominate to discharge the functions of a Court under this Act."

Rules.

16. (1) The Judicial Commissioner may make rules consistent with this Law and any other Law for the time being in force—

(a) declaring what persons shall be permitted to practise as petition-writers in Civil and Criminal Courts subordinate to his Court, and regulating the conduct of persons so practising ;

(b) prescribing forms for seals to be used by those Courts ;⁴

¹ These words were added by Notification No. 1811-I.B., dated the 1st July 1898, printed *supra*, p. 39.

² By this Notification the Code of Civil Procedure (Act XIV of 1882) was applied to Berar. See now para. 3 of Article XVI of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

³ So far as this Law affects the Assigned Districts and the Cantonment of Sikandarabad, read now the Land Acquisition Act, 1894 (I of 1894), applied by Notifications Nos. 1204-I., dated the 12th April, 1894, and No. 2343-I., dated the 12th July 1894, printed *infra*, p. 124 and 443 respectively.

⁴ For seals so prescribed see Notification Nos. 207 and 208, dated 10th May, 1899, noted *supra*, p. 38.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Courts Law, 1889—*contd.*

- (c) regulating the procedure in cases where persons are entitled to inspect records of those Courts or obtain copies of records therein, and prescribing the fees payable for searches and copies;
 - (d) conferring and imposing on the ministerial officers of those Courts such powers and duties of a non-judicial or quasi-judicial nature as he thinks fit, and regulating the mode in which powers and duties so conferred and imposed shall be exercised and performed;
 - (e) prescribing forms for such books, entries, statistics and accounts as he thinks necessary to be kept, made or compiled in those Courts or submitted to any authority;
 - (f) providing for the inspection of those Courts and the supervision of the working thereof; and
 - (g) regulating all such matters as he may think fit, with a view to promoting the efficiency of the judicial and ministerial officers of those Courts and maintaining proper discipline among those officers.
- (2) A rule made by the Judicial Commissioner under sub-section (1) or under any other law for the time being in force shall not take effect until it has been sanctioned by the Resident and published in the Residency Orders.
- (3) Whoever breaks any rule made under clause (a) of sub-section (1) may be suspended or removed from the list of authorised petition-writers or be punished with fine which may extend to fifty rupees.
- (4) Any rule made by the Judicial Commissioner under clause (d), (e), (f) or (g) of sub-section (1) shall be submitted to the Resident, for the purposes of sub-section (2), through the office of the Commissioner of the Hyderabad Assigned Districts.
- (5) Rules made under clause (g) of sub-section (1) may provide, among other matters, for fines, to an amount not exceeding one month's salary, being imposed on ministerial officers for misconduct or neglect in the performance of their duties, and for the recovery of fines so imposed by deduction of the amount thereof from any salary that may be or become due to the officers fined.

Supplemental Provisions.

17. (1) The Judicial Commissioner shall keep such registers, books and accounts as may be necessary for the transaction of the business of his Court, and shall submit to the Resident such of those registers, books and accounts, and such statements of the work done in his Court, as may be required by the Resident.

Books and accounts, and statements and returns, to be kept and furnished by Judicial Commissioner.

- (2) The Judicial Commissioner shall also comply in such form and manner as the Resident may deem proper, with such requisitions as may be made by the Resident for records of, or papers belonging to, the Court of the Judicial Commissioner or any Court subordinate thereto, or for certified copies of or extracts from, such records or papers, or for returns, statements or reports.

Place of sitting of Courts.

18. (1) The Resident may, by order in writing, fix the place or places at which any Court is to be held.

- (2) Except as may be otherwise provided by any order under this section, a Court may be held at any place within the local limits of its jurisdiction.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Courts Law, 1889—*contd.*

19. (1) The Judicial Commissioner, with the approval of the Resident, shall publish in the Residency Orders before the commencement of each calendar year a list of days to be observed in that year as holidays in his Court and the Courts subordinate thereto.

Holidays.

(2) A judicial act done by a Court on a day specified in the list as a day to be observed by the Court as a holiday shall not be invalid by reason only of its having been done on that day.

20. The Resident may, when he is empowered by this Law to confer any powers, confer them on any person specially by name or by virtue of his office.

Mode of conferring powers.

Powers exercisable from time to time.

21. All powers conferred by this Law may be exercised from time to time as occasion requires.

Publication of certain orders.

22. All orders required by this Law to be issued by the Resident in writing shall be published in the Residency Orders.

Procedure where presiding officer of Court is personally interested in a case.

¹ "22A. (1) The presiding officer of a Civil Court shall not try any suit or other proceeding to which he is a party or in which he is personally interested.

"(2) The presiding officer of an appellate Civil Court under this Law shall not try an appeal against a decree or order passed by himself in another capacity.

"(3) When any such suit, proceeding or appeal as is referred to in sub-section (1) or sub-section (2) comes before any such officer, the officer shall forthwith transmit the record of the case to the Court to which he is immediately subordinate, with a report of the circumstances attending the reference.

"(4) The superior Court shall thereupon dispose of the case under section XIV of 1882. 25 of the Code of Civil Procedure.²

"(5) Notwithstanding anything in any other part of this Law, the Court of the Resident shall, for the purposes of this section and of section 555 of the Code of Criminal Procedure, 1882,³ be deemed to be the Court to which the Judicial Commissioner is immediately subordinate and the Court to which an appeal lies from the Court of the Judicial Commissioner, respectively, and any case which the Judicial Commissioner is precluded by either of those sections from disposing of shall be disposed of by the Resident ⁴[or such other officer as the Governor General in Council may from time to time specially appoint for that purpose] subject to the rules applicable to a like case when disposed of by the Judicial Commissioner."

¹ S. 22-A was added by Notification No. 4082-I., dated the 18th October, 1889, see *Gazette of India*, 1889, Pt. I, p. 587.

² The Code of Civil Procedure (Act XIV of 1882) was applied to the Combined Areas by Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

³ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

⁴ As to the addition of these words, see Notification No. 380 I. B., dated the 13th February, 1899, quoted in the third footnote to Notification No. 1811-I. B., dated the 1st July, 1898, on p. 39 *supra*.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Courts Law, 1889—*contd.****Transitory Provisions.*

23. (1) A case or proceeding pending in the Court of the Resident on the day on which this Law comes into force shall be disposed of as if this Law had not been passed.
 Pending proceedings.

(2) A case or proceeding pending on that day in the Court of the Judicial Commissioner as a Court of Civil Judicature shall, subject to the law applicable to the case or proceeding, be continued as in the highest Civil Court of Appeal in the Hyderabad Assigned Districts.

(3) A case or proceeding pending on that day in the Court of the Judicial Commissioner as a Court of Session shall be transferred to the Court of Session to be established on that day for the Hyderabad Assigned Districts.

(4) A case or proceeding pending on that day in any Civil Court subordinate to the Court of the Judicial Commissioner shall be disposed of as if this Law had been not passed:

Provided that the Judicial Commissioner may transfer any such case or proceeding to the Court of any Civil Judge or Munsif competent to dispose of it.

24. An appeal from a decree or order passed and not appealed against before the commencement of this Law shall lie and be disposed of as if this Law had not been passed, and not otherwise:
 Appeals after commencement of Law against decrees and orders passed before.

Provided that, where the appeal is from a decree or order passed by the Court of a Tahsildar or of an Assistant Commissioner in an original suit of value not exceeding five hundred rupees, it may be disposed of by a Civil Judge having authority on that behalf.

[See *Gazette of India*, 1889, Pt. I, p 196.]

The Hyderabad Assigned Districts Small Cause Courts Law, 1889, as applied to the Combined Areas.

No. 1387-I., dated the 29th March, 1889.—Whereas it is expedient to consolidate and amend the law relating to Courts of Small Causes in the Hyderabad Assigned Districts; the Governor General in Council has been pleased to make the following rules:—

CHAPTER I.

PRELIMINARY.

1. (1) These rules may be called the Hyderabad Assigned Districts Small Cause Courts Law, 1889, and are hereinafter, referred to as “this Law;” and
 Title and commencement.

(2) They shall come into force on the first day of July, 1889.

2. (1) The Notification of the Government of India in the Foreign Department, No. 212-J., dated the 24th October, 1873, in so far as it relates to the application of the Mufassal Small Cause Courts Act, XI of 1865, to the Hyderabad Assigned Districts, and the Notification of the Government of India in the same Department, No. 150-J., dated the 5th August, 1874, are hereby rescinded.
 Rescission of notifications with respect to the application of Act XI of 1865.

(2) But all Courts constituted, limits fixed, places appointed, appointments, declarations and rules made, jurisdiction and powers conferred, forms prescribed,

¹ See Notification No. 1811-I.B., dated the 1st July 1898 (entry No. XX) on page 39 *supra*.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Small Cause Courts Law, 1889—*contd.*

directions given and notifications published under the Act aforesaid shall, so far as may be, be deemed to have been respectively constituted, fixed, appointed, made, conferred, prescribed, given and published under this Law.

(3) Any enactment or document referring to the said Act shall, so far as may be, be construed to refer to this Law or to the corresponding portion thereof.

Savings.

3. Nothing in this Law shall be construed to affect—

(a) any proceedings before or after decree in any suit instituted before the commencement of this Law; or

(b) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature; or

XIV of 1882.

(c) any local law or any special law other than the Code of Civil Procedure as applied to the Hyderabad Assigned Districts (that Code being hereinafter referred to as “the Code”).

CHAPTER II.

CONSTITUTION OF COURTS OF SMALL CAUSES.

4. (1) The Resident at Hyderabad (hereinafter referred to as “the Resident”), with the previous sanction of the Governor General in Council, may, by order in writing, establish a Court of Small Causes at any place within the Hyderabad Assigned Districts.¹

(2) The local limits of the jurisdiction of the Court of Small Causes shall be such as the Resident may define, and the Courts may be held at such place or places within those limits as the Resident may appoint.

Judge.

5. (1) When a Court of Small Causes has been established, the Resident shall, by order in writing, appoint a Judge of the Court.

(2) The Judge may be the Judge of one Court of Small Causes, or of two or more such Courts, as the Resident directs.

Appointment of times of sitting in certain circumstances.

6. (1) A Judge who is the Judge of two or more such Courts may fix the times at which he will sit in each of the Courts of which he is Judge

(2) Notice of the times shall be published in such manner as the Judicial Commissioner of the Hyderabad Assigned Districts (hereinafter referred to as “the Judicial Commissioner”) from time to time directs.

Suspension and removal of Judges.

7. A Judge of a Court of Small Causes may be suspended or removed from office by the Resident.

8. Subject to any orders of the Resident in this behalf, the law or practice for the time being applicable to the appointment, punishment and transfer of ministerial officers of the Court of an Assistant Commissioner of the first class shall, so far as it can be made applicable, apply to the appointment, punishment and transfer of ministerial officers of the Court of Small Causes.

¹See Notification No. 1811-I.B, dated the 1st July, 1898, entry No. XX, printed *supra*, p. 39.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Small Cause Courts Law, 1889—*contd.***

9. (1) The ministerial officers of a Court of Small Causes shall, in addition to any duties mentioned in this Law or in any other enactment for the time being in force as duties which are or may be imposed on any of them, discharge such duties of a ministerial nature as the Judge directs.

(2) The Judicial Commissioner may make rules consistent with this Law and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of a Court of Small Causes such powers and duties as he thinks fit, and regulating the mode in which powers and duties so conferred and imposed are to be exercised and performed

CHAPTER III.

JURISDICTION OF COURTS OF SMALL CAUSES.

10. (1) A Court of Small Causes shall not take cognizance of the suits specified (as being excepted from the cognizance of a Court of Small Causes) in the second schedule to the Provincial Small Cause Courts Act, 1887, being Act IX of 1887¹ of the Acts of the Governor General in Council.

(2) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature of which the value does not exceed five hundred rupees shall be cognizable by a Court of Small Causes.

(3) Subject as aforesaid, the Resident may, by order in writing, direct that all suits of a civil nature of which the value does not exceed one thousand rupees shall be cognizable by a Court of Small Causes mentioned in the order.

11. Save as expressly provided by this Law or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.

CHAPTER IV.

PRACTICE AND PROCEDURE.

12. (1) The procedure prescribed in the Chapters and sections of the Code which are specified in the second schedule thereto shall, so far as those Chapters and sections are applicable, be the procedure followed in a Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits:

Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(2) Where a person has become liable as surety under the proviso to sub-section (1), the security may be realized in manner provided by section 253 of the Code.

¹ Printed, General Acts, Ed. 1898, Vol. V, p. 128.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Small Cause Courts Law, 1889—*contd.*

13. When the Judge of a Court of Small Causes is absent, the Chief ministerial officer of the Court may exercise from time to time the power which the Court possesses of adjourning the hearing of any suit or other proceeding, and fix a day for the further hearing thereof.

14. (1) Notwithstanding anything in the foregoing provisions of this Law when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immoveable property or other title which such a Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

(2) When a Court returns a plaint under sub-section (1), it shall comply with the provisions of the second paragraph of section 57 of the Code and make such order with respect to costs as it deems just, and the Court shall, for the purposes of the Indian Limitation Act, 1877,¹ as applied to the Hyderabad Assigned Districts² (hereinafter referred to as the Limitation Act), be deemed to have been unable to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction.

15. Where an order specified in section 588, clause (29), of the Code is made by a Court of Small Causes, an appeal therefrom shall lie to the Court of the³ [Deputy Commissioner].³

16. The Judicial Commissioner, for the purpose of satisfying himself that a decree or order made in any case decided by a Court of Small Causes was according to law, may call for the case and pass such order with respect thereto as he thinks fit.

17. Save as provided by this Law, a decree or order made under the foregoing provisions of this Law by a Court of Small Causes shall be final.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

18. (1) A Court of Small Causes shall be subject to the administrative control [of the Deputy Commissioner]⁴ and to the superintendence of the Judicial Commissioner, and shall—

Subordination of Courts of Small Causes.

(a) keep such registers, books and accounts as the Judicial Commissioner from time to time prescribes, and

¹ Applied to the Combined Areas by Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

² As to modification with which this phrase in this Law is now to be read, see Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

³ For the word "Deputy Commissioner" substitute the words "Judicial Commissioner," except with reference to the Hyderabad Assigned Districts and the Hyderabad Contingent Stations of Aurungabad, Hingoli, Jalna and Mominabad, see Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

⁴ Omit these words in sub-s. (1) and the whole of sub-s. (2), except with reference to the Hyderabad Assigned Districts and the Hyderabad Contingent Stations of Aurungabad, Hingoli, Jalna and Mominabad. See Notification cited in preceding note.

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Small Courts Law, 1888—*contd.*

- (b) comply with such requisitions as may be made by the Deputy Commissioner, the Judicial Commissioner or the Resident for records, returns and statements in such form and manner as the authority making the requisition directs.

¹(2) The relation of the Deputy Commissioner to a Court of Small Causes, with respect to administrative control, shall be the same as that of the Deputy Commissioner to the Court of an Assistant Commissioner of the first class.

Seal. 19. A Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Resident.

Abolition of Courts of Small Causes.

20. The Resident may, by order in writing, abolish a Court of Small Causes.

21. (1) Nothing in this Law shall be construed to prevent the Resident from appointing a person who is a Judge of a Court of Small Causes to be also a Judge of any other Civil Court or to be a Magistrate of any class or to hold any other public office.

Saving of power to appoint Judge of Court of Small Causes to other office.

(2). When a Judge is so appointed, the ministerial officers of his Court shall, subject to any orders of the Resident in this behalf, be deemed to be ministerial officers appointed to aid him in the discharge of the duties of the other office.

22. (1) Where a Court of Small Causes has for any reason ceased to have jurisdiction with respect to any case, any proceeding in relation to the case, whether before or after decree, which, if the Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court which, if the suit out of which the proceeding has arisen were about to be instituted, would have jurisdiction to try the suit.

Continuance of proceedings of abolished Courts.

(2) Nothing in this section applies to cases for which special provision is made in the Code as extended to Courts of Small Causes, or in any other enactment for the time being in force.

Amendment of Limitation Act.

²23. In the third division of the second schedule to the Limitation Act,—

(a) after No. 160 the following shall be inserted, namely:—

"160A. For a review of judgment by a Court of Ditto . . . The date of the decree or order." Small Causes, or by a Court invested with the jurisdiction of a Court of Small Causes when exercising that jurisdiction.

and (b) in No. 173, the words, figures and letter "No. 160A and" shall be inserted before the word and figures "No. 162".

¹ Omit sub-s. (2) except with reference to the Hyderabad Assigned Districts and the Hyderabad Contingent Stations of Aurungabad, Hingoli, Jalna and Mominabad, *see* the 4th footnote on preceding page.

² This section of the Law is now virtually repealed, as the amendment made by cl. (a) has been made in the Limitation Act, 1877 (XV of 1877), by Notification No. 1811-I. B., dated the 1st July, 1898, which applied that Act to the Combined Areas, and the amendment made by cl. (b) occurs in the Act as so applied.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1.(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Small Courts Law, 1889—*concl'd.***

24. All orders required by this Law to be made in writing by the Resident shall be published in the Residency Orders.

Publication of certain orders.

[See *Gazette of India*, 1889, Pt. I, p. 199.]

Recovery of Revenue Arrears in British India.

No. 1415-I., dated the 30th April, 1890.—printed infra, p. 705.

Printing and publication of newspapers and other printed works.

No. 2651-I., dated the 25th June, 1891.—printed infra, p. 706.

Execution in British India of warrants of capital sentences of Courts beyond British India.

No. 1431-I., dated the 27th April, 1893.—printed infra, p. 703.

The Hyderabad Assigned Districts Legal Practitioners Rules, 1899.

No. 1315-I.B., dated the 19th May, 1899.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules to regulate the admission to practice and the practice of Legal Practitioners in the Court of the Judicial Commissioner of the Hyderabad Assigned Districts, and in Courts subordinate to that Court in the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897) :

CHAPTER I.

PRELIMINARY.

Short title, commencement and extent.

1. (1) These rules may be called the Hyderabad Assigned Districts Legal Practitioners Rules, 1899; and

(2) They shall come into force at once.

(3) They extend to the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897).

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Legal Practitioners Rules 1899—*contd.*

Definitions.

2. In these rules, unless there is anything repugnant in the subject or context,—

- (a) “advocate” means any person admitted as an advocate under Chapter III:
- (b) “Judicial Commissioner” means the Judicial Commissioner of the Hyderabad Assigned Districts:
- (c) “pleader” means any person holding a certificate as a pleader granted under Chapter IV:
- (d) “Resident” means the Resident at Hyderabad:
- (e) “subordinate Court” means any Court, other than a Revenue Court subordinate, or hereafter declared by the Governor General in Council to be, for the purposes of these rules, subordinate, to the Judicial Commissioner: and
- (f) “tout” means any person who procures the employment in any legal business of any legal practitioner in consideration of any remuneration moving from such practitioner, or proposes to any legal practitioner to procure his employment in any legal business in consideration of such remuneration.

CHAPTER II.

GENERAL PROVISIONS.

XIV of 1882.
V of 1898.

3. Except as provided in the Code of Civil Procedure or the Code of Criminal Procedure, 1898, or in any other law for the time being in force, no person shall appear, plead or act

Authority to practise.
for any other person in the Court of the Judicial Commissioner or in any subordinate Court, unless he is an advocate or pleader authorised so to do under these rules:

24 & 25 Vict.,
c. 104.

Provided that any person who is entered as an advocate, vakil or attorney on the roll of any High Court established under the Indian High Courts Act, 1861, or as an advocate on the roll of the Chief Court of the Punjab or of the Court of the Judicial Commissioner of the Central Provinces, and who ordinarily practises in such Court or in some Court subordinate thereto, shall be entitled to appear, plead and act in the Court of the Judicial Commissioner or in any subordinate Court without being admitted as an advocate or granted a certificate as a pleader under these rules.

CHAPTER III.

ADVOCATES.

Persons eligible for admission as advocates.

4. Any person who has been admitted as a barrister in England or Ireland, or as a member of the Faculty of Advocates in Scotland, may, in the discretion of the Judicial Commissioner, be admitted as an advocate of the Court of the Judicial Commissioner.

5. Every person desirous of being admitted as an advocate under this Chapter shall, before being so admitted, submit an application, as hereinafter provided, and produce there-
Certificates required.

CHAPTER II.—COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.*

with a certificate showing that he has been admitted as a barrister in England or Ireland, or as a member of the Faculty of Advocates in Scotland, together with satisfactory certificates of good moral character and ability.

6. Every application for admission as an advocate under this Chapter shall be in the form of a letter, addressed to the Judicial Commissioner, stating the date on which, and, if the applicant is a barrister, the Inn by which, the applicant was called to the Bar, and that it is his intention to practise within the jurisdiction of the Court of the Judicial Commissioner.

7. (1) The Judicial Commissioner may, in his discretion, grant or refuse an application submitted under this Chapter, and his order thereon shall be final.

(2) If the application is refused, the Judicial Commissioner shall not be bound to specify his reasons for such refusal.

(3) If the application is granted, the Judicial Commissioner will give the applicant, on his supplying a stamp of the value of three hundred rupees, a certificate of admission under his signature and the seal of his Court, and enrol his name in his Court's Register of Advocates.

8. Every person admitted as an advocate under this Chapter shall be entitled to practise in any subordinate Court as well as in the Court of the Judicial Commissioner.

CHAPTER IV.

EXAMINATION AND CERTIFICATES OF PLEADERS.

9. Except as otherwise provided in rule 25, any person desirous of obtaining a certificate as a pleader under these rules shall, before being granted such a certificate, pass the examination prescribed thereby.

10. (1) There shall be one examination annually held in the month of September or at such other time, and at such place as the Resident shall notify, at least four months beforehand in the Hyderabad Residency Orders.

(2) There shall be two standards of examination, the higher and the lower, as provided by rule 14. Candidates desirous of practising as pleaders in the Court of the Judicial Commissioner and in all subordinate Courts shall be required to pass by the higher standard. Candidates desirous of so practising only in subordinate Courts shall be required to pass by the lower standard.

(3) The examination will be conducted by a Committee of which the Civil and Sessions Judge of the Hyderabad Assigned Districts, or such other officer as the Resident may nominate in this behalf, shall be President, and the other members shall be appointed by the President.

(4) The duty of preparing the examination papers will be entrusted to the President, subject to the approval of the Judicial Commissioner.

(5) The remuneration to be paid to a non-official member appointed under sub-section (3) shall be fixed by the Judicial Commissioner, and shall be paid from the fees levied under rule 11.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.***

11. (1) Any person desirous of being examined shall, before being admitted to the examination, submit an application in writing to the Judicial Commissioner within two calendar months from the date of the notification prescribed by rule 10, sub-section (1), together with—

- (a) a certificate showing the place of his birth and his exact age, which at the date of the examination shall be over twenty-two and, unless the Judicial Commissioner by general order otherwise directs, under thirty-five years ;
- (b) a certificate that he has passed the Entrance Examination of the Calcutta, Bombay, Madras, Allahabad or Punjab University, or any other examination which the Resident may declare to be equivalent thereto ;
- (c) a certificate that he can speak, read and write the Marathi language fairly, and has a good colloquial knowledge of the Urdu language, if he intends to practise in the Hyderabad Assigned Districts, or a certificate that he can speak, read and write the Urdu language fairly, if he intends to practise in any area other than the Hyderabad Assigned Districts within the jurisdiction of the Court of the Judicial Commissioner ;
- (d) a satisfactory certificate that he is of good moral character, dated not earlier than six calendar months immediately preceding the time fixed for the examination ; and
- (e) a fee of ten rupees (British Indian currency), for which a receipt shall be furnished by the Judicial Commissioner.

(2) No certificate submitted under this rule shall be accepted unless it is signed by an officer not lower in rank than a District Judge, Collector, Political Agent or Registrar of a High Court, Chief Court or Court of a Judicial Commissioner.

12. (1) After perusal of the certificates required by rule 11, and after such enquiry if any as he may think fit to make, the Judicial Commissioner may, in his discretion, grant or refuse the application, and his order thereon shall be final.

(2) If the application is refused, the Judicial Commissioner shall not be bound to specify any reason for such refusal, but shall return to the applicant the fee paid by him under rule 11, clause (e).

(3) If the application is granted, the name of the applicant shall be included in a list of the candidates admitted to the examination, which shall be published in the Hyderabad Residency Orders at a reasonable time before the time fixed for the examination.

(4) The fee of a candidate who has been admitted under sub-section (3) may not be reserved for any subsequent examination, nor shall it under any circumstances be refunded.

13. (1) The examination shall be conducted in writing in the English language, and want of proficiency in that language shall of itself be held to disqualify a candidate.

Subjects of examination.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.***

(2) One paper shall be set in each of the subjects hereinafter set forth, and the maximum number of marks obtainable for each shall be as follows :

(a) Hindu and Muhammadan Law and the Law relating to Succession, Probate and Administration	100
(b) the Law relating to Civil Procedure and Limitation and the Hyderabad Assigned Districts Small Cause Courts Law, 1889	100
(c) the Law relating to Contracts, Torts, Specific Relief, Transfer of Real Property, Mortgages and Trusts	200
(d) the Law relating to Evidence, Registration and Stamps	100
(e) Criminal and Police Law	100

(3) In addition to the Acts, Regulations and Law Reports bearing on the above subjects, the examination may extend to the following text-books, namely :—

- (a) Mayne's *Hindu Law and Usage* ;
- (b) Macnaghten's *Principles and Precedents of Muhammadan Law* ;
- (c) Field's *Law of Evidence* ;
- (d) Leake's *Law of Contracts* ;
- (e) Cunningham's *Commentaries on the Indian Contract Act* ;
- (f) Addison's *Law of Torts* ;
- (g) Collett's *Law of Torts* ;
- (h) Smith's *Equity Jurisprudence*, or Snell's *Principles of Equity* ,
- (i) Broom's *Legal Maxims*, and
- (j) Macpherson's *Law of Mortgages*.

14. (1) In order to pass the examination by the higher standard, a candidate shall be required to obtain at least thirty per cent. of the maximum number of marks obtainable for each paper and seventy per cent. of the aggregate number of marks obtainable for all the papers.

(2) In order to pass the examination by the lower standard, a candidate shall be required to obtain at least thirty per cent. of the maximum number of marks obtainable for each paper and fifty per cent. of the aggregate number of marks obtainable for all the papers.

15. A list of the candidates who have, in the opinion of the Committee appointed under rule 10, passed by the higher and lower standards, respectively, shall be submitted by the Report to Judicial Commissioner. Committee for the orders of the Judicial Commissioner.

16. If, in the opinion of the Committee, any candidate has presented himself for examination without due preparation, the Committee may prohibit his appearance at the next examination. Power of Committee to postpone re-examination.

17. Any candidate who may have been declared by the Committee to have passed, may nevertheless be refused a certificate by the Judicial Commissioner, whose order in the matter shall be final. Orders of Judicial Commissioner.

18. The candidates who have been declared by the Committee to have passed the examination and have not been refused by the Judicial Commissioner, will receive from the Judicial Commissioner certificates (hereinafter called "original certificates") in Form I or in Form II, as the case may be, set forth in the first schedule. Certificates in Form I

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.*

shall be granted to candidates who have passed by the higher standard, and certificates in Form II to those who have passed by the lower standard.

19. Any candidate who is declared by the Committee to have failed to pass the examination may, subject to the limitation of age prescribed by rule 11 and to the provisions of rule 16, appear at a subsequent examination on production only of the certificates of age and good moral character required by rule 11, clauses (a) and (d).

20. Original certificates shall be valid till the thirty-first day of December following the date of their issue, but the holders shall, on application and delivery of their original certificates to the Judicial Commissioner for cancellation, receive renewed certificates.

21. Renewed certificates shall be valid till the thirty-first day of December following the date of their issue, but the holders shall, on application and delivery of their expired certificates to the Judicial Commissioner for cancellation, receive from year to year renewed certificates.

22. The Judicial Commissioner shall cause to be published every year in the Hyderabad Residency Orders a list of persons whose certificates are valid for the current year.

23. Every certificate in Form I set forth in the first schedule, whether original or renewed, shall be written upon stamped paper of the value of fifty rupees, to be provided by the applicant, and every certificate in Form II, whether original or renewed, shall be written upon stamped paper of the value of twenty-five rupees, to be provided by the applicant:

Provided that in the case of original certificates or certificates renewed under rule 20, which are issued for a portion only of the year, the fees shall be proportionately reduced, but that no reduction shall be made for a fraction of a quarter.

24. Holders of certificates in Form I set forth in the first schedule shall be entitled to practice in the Court of the Judicial Commissioner and in all subordinate Courts; and holders of certificates in Form II shall be entitled to practise only in any subordinate Court:

Provided that any person who obtained, previous to the year 1889, a certificate in Form B granted under the rules published in Resident's Book Circular No. XV of 1885, and holds a certificate under these rules in Form II set forth in the first schedule, may, notwithstanding anything contained in such latter certificate, practise in the Court of the Judicial Commissioner in all cases, except the following:—

- (a) applications for permission to appeal to Her Majesty in Council, under Chapter XLV of the Code of Civil Procedure;
- (b) cases in which the High Court may exercise powers under Chapter XLVI of the Code of Civil Procedure, except in regard to applications to review decrees or orders passed by Courts of Small Causes;
- (c) applications not hereinbefore specified made to the High Court under any of the other provisions of the Code of Civil Procedure;

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.*

(d) appeals to the High Court under section 589, proviso (b), of the Code of Civil Procedure; and

(e) criminal cases or proceedings.

25. (1) The Judicial Commissioner may, in his discretion, exempt any advocate, vakil or attorney on the roll of any High Court established under the Indian High Courts Act,² 4 & 25 Vict., 1861, from passing the examination prescribed by these rules, and may permit him to practise permanently in his Court and in all or any of the subordinate Courts, on such advocate, vakil, attorney or other person submitting an application, together with satisfactory certificates—

(a) that he is of good moral character;

(b) that he can speak, read and write the Marathi language fairly and has a good colloquial knowledge of the Urdu language, if he intends to practise in the Hyderabad Assigned Districts, or that he can speak, read and write the Urdu language fairly, if he intends to practise in any area other than the Hyderabad Assigned Districts within the jurisdiction of the Court of the Judicial Commissioner; and

(c) that he has practised for the space of at least three years in such High Court or in some Court subordinate thereto.

(2) The Judicial Commissioner may likewise exempt any person who has taken the degree of Bachelor of Laws at the Calcutta, Bombay, Madras, Allahabad or Punjab University from passing the examination prescribed by these rules, and may permit him to practise permanently in his Court and in all or any of the Courts subordinate to his Court on the submission by such person of an application, together with—

(a) a satisfactory certificate that he is of good moral character; and

(b) a certificate of linguistic proficiency as required by sub-section (1) in the case of advocates, vakils and attorneys:

Provided that such exemption shall be granted only to persons who are permanent residents of the area to which these rules extend.

(3) Persons admitted under this rule shall be liable to the higher fee prescribed by rule 23.

CHAPTER V.

SUSPENSION FROM PRACTICE AND CANCELLATION OF CERTIFICATES.

26. The Judicial Commissioner may suspend from practice, or cancel the certificate of any advocate or pleader who is convicted of any offence implying a defect of character unfitting him to be an advocate or pleader, and may likewise suspend from practice or cancel the certificate of any advocate or pleader—

(a) who takes instructions in any case, except from the party on whose behalf he is retained, or some person who is the recognized agent of such party within the meaning of the Code of Civil Procedure, or some servant, relative or friend authorized by the party to give such instructions; or

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments -1.-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.***

- (b) who is guilty of fraudulent or grossly improper conduct in the discharge of his professional duty; or
- (c) who tenders, gives, or consents to the retention, out of any fee paid or payable to him for his services, of any gratification for procuring, or having procured, the employment in any legal business of himself or any other advocate or pleader; or
- (d) who directly or indirectly procures, or attempts to procure, the employment of himself as such advocate or pleader through or by the intervention of any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given; or
- (e) who accepts any employment in any legal business through the intervention of a person who has been proclaimed as a tout under rule 40; or
- (f) for any other reasonable cause.

27. The suspension from practice, or the cancellation of the certificate, of any advocate or pleader under rule 26 shall not take effect unless the order of the Judicial Commissioner in this respect has been confirmed by the Resident.

28. (1) If the presiding officer of any subordinate Court has reason to believe that any advocate or pleader practising before him has been guilty of fraudulent or unprofessional conduct, he shall reduce to writing in a concise form the grounds for his belief and forward a copy of the same to the advocate or pleader, together with a notice that on a day therein appointed, not being less than twenty days from the date of despatch of the said copy, the matter will be taken into consideration.

(2) On such day, or on any subsequent day to which the inquiry may be adjourned, the presiding officer shall receive and record all evidence properly produced in support of, and opposition to, the charge, and shall record his finding in the case.

29. (1) If the presiding officer finds the charge established and considers that the advocate or pleader should be suspended in consequence, or that his certificate should be cancelled, he shall forward the proceedings in the case and his finding for the orders of the Judicial Commissioner.

(2) Every report made under sub-section (1) —

- (a) by any Civil Judge other than the Civil and Sessions Judge or any District Magistrate in the Hyderabad Assigned Districts, shall be made through the Civil and Sessions Judge, Hyderabad Assigned Districts;
- (b) by any District Magistrate in the Hyderabad Residency Bazaars, the Cantonment of Sikandarabad, or the said railway lands to which these rules extend, shall be made through the First Assistant Resident;
- (c) by any subordinate Magistrate in the Hyderabad Assigned Districts or any of the Hyderabad Contingent Stations of Aurungabad, Jalna, Mominabad and Hingoli, shall be made through the District Magis-

CHAPTER II.—THE COMBINED AREAS—*contd.*British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.*

trate and the Civil and Sessions Judge, Hyderabad Assigned Districts;

- (d) by any Magistrate in the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, any of the Hyderabad Contingent Stations of Bolaram and Raichur, or the railway lands to which these rules extend, shall be made through the District Magistrate and First Assistant Resident.

(3) Each officer through whom such report as aforesaid is forwarded, shall record his opinion on the case for the information of the Judicial Commissioner.

30. The Judicial Commissioner may call for the record of any proceedings taken under rule 28 and pass such orders thereon as he may think fit.

31. Any advocate or pleader who has been suspended from practice or whose certificate has been cancelled under this Chapter, shall forthwith deliver up his certificate to such Court as the Judicial Commissioner may direct.

CHAPTER VI.

REMUNERATION OF ADVOCATES AND PLEADERS.

32. (1) In the taxation of costs as between party and party in any suit or proceeding in the Court of the Judicial Commissioner or in any subordinate Court, the sums allowed against the unsuccessful party in respect of the fees of his adversary's advocate or pleader shall not exceed the following :—

(a) in all regular suits and appeals in which the pecuniary value of the relief claimed has been or can be exactly defined, three per cent. on the value of the relief claimed ;

(b) in all other regular suits and appeals, three per cent. on the amount of the largest money claim which would be covered by the court-fee affixed to the plaint :

Provided that in no case shall a higher fee than one thousand rupees be allowed without the sanction of the Judicial Commissioner.

(2) Fractions of rupees shall be omitted in the calculation of the amount of the fees allowable under this rule.

(3) The fees of one advocate or pleader only shall be allowed as costs in a suit.

(4) The fees fixed as aforesaid shall include fees for conducting proceedings for the execution of a decree where the advocate or pleader employed for this purpose was engaged in the original prosecution of the suit.

(5) In proceedings for the execution of a decree where a new advocate or pleader is engaged, and in miscellaneous proceedings, the fees allowable shall be one-fourth of the fees fixed as aforesaid.

33. Where a suit is brought to enforce an agreement between an advocate or pleader and his client, or between an advocate or pleader and his client with regard to the amount or manner of payment for the whole or any part of any services rendered, charges incurred, or disbursements made, in connection with legal business transacted by such advocate or pleader, the Court may, if it is of opinion

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*contd.***

that the agreement is not fair and reasonable, reduce the amount payable under it, or order the agreement to be cancelled and the costs, charges and disbursements aforesaid to be ascertained in the same manner as if no such agreement had been made.

34. An agreement between an advocate or pleader and his client shall bar any further claim on the part of the advocate or pleader beyond the terms of the agreement with respect to any services, fees, charges or disbursements in connection with the conduct and completion of the legal business in respect of which the agreement has been made, except such services, fees, charges or disbursements (if any) as have been expressly excepted by the agreement.

35. Any provision in an agreement between an advocate or pleader and his client to the effect that the advocate or pleader shall not be liable for negligence or that he shall be relieved from any responsibility to which he would otherwise be subject as such advocate or pleader, shall be void.

CHAPTER VII.

PENALTIES.

36. If any person attempts to practice in the Court of the Judicial Commissioner or in any subordinate Court in contravention of these rules, the Court shall refuse to hear him, and he shall be incapable of maintaining any suit for, or enforcing any lien with respect to, any fee, reward for, or with respect to, anything done or any disbursement made by him as an advocate or pleader while contravening these rules.

37. Whoever, being an advocate or pleader, fails to deliver up his certificate as required by rule 31, shall be liable, by order of the Court to which the delivery should have been made, to a fine not exceeding two hundred rupees and, in default of payment, to simple imprisonment for a term not exceeding three months.

38. Every advocate or pleader who has been suspended from practice or whose certificate has been cancelled under these rules, and who practises during such suspension or after such cancellation, shall be deemed to have committed an offence under section 228 of the Indian Penal Code.¹

39. Every order made under rule 36, 37 or 38 shall be subject to revision by the Judicial Commissioner.

40. (1) The Judicial Commissioner, a Sessions Judge, and any District Magistrate (each as regards his own Court and the Courts subordinate thereto) may frame and publish lists of persons proved to his satisfaction, by evidence of general repute or otherwise, habitually to act as touts, and may from time to time alter or amend such lists.

(2) No person's name shall be included in any such list until he has had an opportunity of showing cause against such inclusion.

CHAPTER II.—THE COMBINED AREAS—*contd.***British-Combined Areas Enactments—1.-(b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Legal Practitioners Rules, 1899—*concl'd.***

(3) A copy of every such list shall be kept hung up in every Court to which the same relates.

(4) The Court or Judge may, by general or special order, exclude from the precincts of the Court any person whose name is included in any such list.

(5) Every person whose name is included in any such list shall be deemed to be proclaimed as a tout within the meaning of rule 26, clause (e).

41. The notifications of the Government of India in the Foreign Department specified in the second schedule are hereby rescinded :

Rescission of notifications and savings.

Provided that—

- (a) every advocate admitted under the rules contained in the notifications so rescinded, and borne on the roll of the Court of the Resident or Judicial Commissioner at the commencement of these rules, shall be deemed to have been admitted under these rules; and
- (b) every pleader's certificate granted under the said rules and in force at the commencement of these rules shall be deemed to have been granted under these rules in Form I or Form II, as the case may be, set forth in the first schedule.

THE FIRST SCHEDULE.**FORM I.**

IN THE COURT OF THE

Dated

189 .

To

In pursuance of the Hyderabad Assigned Districts Legal Practitioners Rules, 1899, you, are hereby authorized to practise as a pleader in the Court of the Judicial Commissioner of the Hyderabad Assigned Districts, and in all Courts subordinate to that Court.

This certificate is subject to renewal as provided by the said rules.

Judicial Commissioner.

FORM II.

IN THE COURT OF THE

Dated

189 .

To

In pursuance of the Hyderabad Assigned Districts Legal Practitioners Rules, 1899, you, are hereby authorized to practise as a pleader in all Courts subordinate to the Court of the Judicial Commissioner, Hyderabad Assigned Districts.

This certificate is subject to renewal as provided by the said rules.

Judicial Commissioner.

THE SECOND SCHEDULE.**NOTIFICATIONS RESCINDED.**

No.	Date.
3096-I.	5th August, 1892.
3097-I.	Ditto.
1516-I.	7th May, 1894.
1517-I.	Ditto.
3047 I	13th September, 1895.
3060-I.B.	13th August, 1897.
1361-I.B.	Ditto.

[See *Gazette of India*, 1899, Pt. I, p. 407.]

CHAPTER II.—THE COMBINED AREAS—*concl'd.***British-Combined Areas Enactments—2.-(a) Local Rules and Orders under Acts of the Governor General in Council locally applied.**

Order exempting Native Christians from operation of the Indian Succession Act, 1865 (X of 1865).

No. 1892½-I.B., dated the 9th July, 1898.—In exercise of the powers conferred by section 332 of the Indian Succession Act, 1865 (X of 1865), as applied to the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897), by the Notification of the Government of India in the Foreign Department, No. 1311-I.B., dated the 1st July, 1898, as modified by the Notification of the same Department, No. 1892½-I.B., dated the 9th July, 1898, the Governor General in Council is pleased to exempt from the operation of the said Act, as so applied, Native Christians, of all denominations whatever, residing in the aforesaid areas.

[See *Gazette of India*, 1898, Pt. I, p. 780.]

Order as to application for Probate and Letters of Administration under Act V of 1881.

No. 36, dated the 13th May, 1899, see Hyderabad Residency Orders, 1899, Pt. I, p. 162.

Order prescribing manner in which whipping shall be inflicted.

No. 39, dated the 20th May, 1899, see Hyderabad Residency Orders, 1899, Pt. I, p. 175.

Confinement of youthful offenders in the Yeraoda Reformatory.

No. 1240, dated the 28th October, 1898.—In exercise of the power conferred by section 15, sub-section (1), of the Reformatory Schools Act, 1897 (VIII of 1897), as applied by the Notification of the Government of India in the Foreign Department, No. 2779-I.B., dated the 17th October, 1898, to the Hyderabad Assigned Districts, the Hyderabad Residency Bazars, the Cantonment of Secunderabad, the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad, and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the same Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897), the Governor General in Council is pleased to direct that the Reformatory School at Yeraoda in the Bombay Presidency shall be available for the reception of youthful offenders directed to be sent to the Reformatory School by any Court or Magistrate in the said areas.

2. The Notifications of the Government of India in the Home Department, No. 1607, dated the 6th December, 1883, and No. 542, dated the 29th October, 1897, are hereby cancelled.

[See *Gazette of India*, 1898, Pt. I, p. 1075.]

2.-(b) Local Order under a Special Local Law.

Orders under the Hyderabad Assigned Districts Courts Law, 1880, prescribing seals for subordinate Civil and Criminal Courts.

Nos. 207 and 208, dated the 10th May, 1899, see Hyderabad Residency Orders, 1899, Pt. I, pp. 166 and 167, respectively.

CHAPTER III.—BERAR.

CHAPTER III.

BERAR, OR THE HYDERABAD ASSIGNED DISTRICTS.

[These districts were assigned to the British Government by His Highness the Nizam for the support, on behalf of His Highness, of a contingent of troops known as the Hyderabad Contingent—see the Treaties of the 21st May, 1853, and 26th December, 1860, Aitchison's *Treaties*, Volume VIII, Part II, pages 349 and 361 respectively.]

The nature of the tenure under which these districts are held by the British Government was thus described by Bayley, J., in I. L. R., 9 Bom., 249 :—"The Berars are held under a treaty with the Nizam, dated the 21st May, 1853: see Aitchison's *Treaties*,¹ Volume V, page 212 (Ed. 1876), Article 6 of which states that the assignment of such territories is made for the purpose of providing funds for certain specified purposes. It would appear, therefore, that the Berars are held under a sort of mortgage as a security for the fulfilment of certain engagements * * ."

These districts form a Commissionership subordinate to the Resident at Hyderabad, and have a Judicial Commissioner—see Foreign Department Notification No. 1385-I., dated the 29th March, 1889, p. 59 *supra*.]

The British enactments in force locally in Berar consist of—

A.—British-Indian Enactments, namely—

LOCAL RULES AND ORDERS UNDER—

- (a) Statutes in force generally in all Native States ;
- (b) Acts in force generally in all Native States.

B.—British-Berar Enactments, namely—

1.—LOCAL LAWS MADE BY THE GOVERNOR GENERAL IN COUNCIL—

- (a) British-Indian Enactments locally applied—
 - (i) Acts of the Governor General in Council.
 - (ii) Acts of the Governor of Bombay in Council.
- (b) Special Local Laws.²

2.—LOCAL—

- (a) Rules and Orders under British-Indian Enactments locally applied ;
- (b) Special Local Laws.

¹ See now Volume VIII, Part II, page 349, Ed. of 1892.

² Many of the laws entered under this head are styled Rules ; but they are all of the nature of principal rather than subsidiary enactments (see preface to 1st Edition).

CHAPTER III.—BERAR.

A.—British-Indian Enactments.

1.-(a) LOCAL ORDER UNDER A STATUTE IN FORCE GENERALLY IN ALL NATIVE STATES.

Statute.	Section.	Subject of Notification.	Reference.
The Indian High Courts Act, 1865 (28 and 29 Vict., c. 15).	3	Directing that Criminal jurisdiction over European British subjects, being Christians, in the Hyderabad Assigned Districts shall be exercised by the High Court at Bombay. ¹	No. 178-J., dated the 23rd September, 1874. [Printed <i>supra</i> , p. 15.]

¹ Rules relating to the trial of European British subjects in these Districts by the Courts of Session and by District Magistrates under s 276 of the Code of Criminal Procedure, 1882, as amended by Act III of 1884, have been approved by the Bombay High Court and sanctioned by the Resident at Hyderabad—*see* Notification No. 232, dated the 30th November, 1888, Hyderabad Residency Orders, 1888, Part I, p. 178.

CHAPTER III.—BERAR—*contd.**A.—British-Indian Enactments.*1.-(b) LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.¹

Act.	Section.	Subject of Notification.	Reference.
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	3	Directing commitments of European British subjects, being Christians, in the Hyderabad Assigned Districts to the High Court at Bombay.	No. 2616-I., dated the 6th August, 1890. [Printed <i>supra</i> , p. 15.]

¹ In addition to the notification here set out, the notifications under Act XV of 1872, II of 1874, and II of 1886, and also the other notifications under Act XXI of 1879 (save No. 1639-I., dated 22nd May, 1885,) in Chapter I, pages 26 to 30, apply also to Berar as being within the limits of the Nizam's Dominions.

CHAPTER III.—BERAR—*contd.*

A.—BRITISH-INDIAN ENACTMENTS.

1.-(a) Local Order under a Statute in force in all Native States.¹

Declaration as to High Court for purposes of Jurisdiction over European British subjects.

No. 178-J., dated the 23rd September, 1874.—printed *supra*, p. 15.

1.-(b) Local Order under an Act in force generally in all Native States.

Commitments by Justices of the Peace.

No. 2616-I., dated the 6th August, 1890.—printed *supra*, p. 15.

¹ For other Rules and Orders of these classes, see Chapter I of this part *supra*.

CHAPTER III.—BERAR—*contd**B. — British-Berar Enactments.*

1-(a) BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.]

Act.	Extent of application.	Reference.
<i>(1)-Acts of the Governor General in Council.</i>		
Succession (Property Protection) Act, 1841 (XIX of 1841). ²	See the Notification . . .	No 212-J, dated the 24th October 1873. [Printed <i>infra</i> , p. 95.]
Indian Copyright Act, 1847 (XX of 1847). ²	Ditto . . .	Ditto.
Public Accountants Default Act, 1850 (XII of 1850).	Ditto . . .	Ditto.
Judicial Officers Protection Act, 1850 (XVIII of 1850). ²	Ditto . . .	Ditto.
Caste Disabilities Removal Act, 1850 (XXI of 1850). ²	Ditto . . .	Ditto.
Public Servants (Inquiries) Act, 1850 (XXVII of 1850). ²	Ditto . . .	Ditto.
Hindu Widows Re-marriage Act, 1856 (XV of 1856). ²	Ditto . . .	Ditto.
Patents Act, 1859 (XV of 1859). ⁴	Ditto . . .	Ditto.
Employers and Workmen (Disputes) Act, 1860 (IX of 1860). ²	Ditto . . .	Ditto.
Police Act, 1861 (V of 1861) .	Ditto . . .	Ditto.
Stage Carriages Act, 1861 (XVI of 1861). ²	Ditto . . .	No. 2156-I, dated the 1st June, 1888. [Printed <i>infra</i> , p. 102.]
Religious Endowments Act, 1868 (XX of 1868). ²	Ditto . . .	No. 212-J, dated the 24th October, 1873. [Printed <i>infra</i> , p. 95.]
Foreigners Act, 1864 (III of 1864).	Ditto . . .	No. 1382-I, dated the 28th May, 1883. [Printed <i>infra</i> , p. 102.]

¹ See also Chapter II *supra*.² This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), which was applied by Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39, to the Hyderabad Assigned Districts as part of the Combined Areas under British jurisdiction described in Chapter II *supra*. The whole Act, so far as relates to Revenue Officers, is repealed in Berar by the Hyderabad Assigned Districts Land Revenue Code, 1896, printed *infra*, p. 245.

This short title was given by the Public Servants (Inquiries) Act (1850) Amendment Act, 1897 (I of 1897).

⁴ So much of this Act as had not already been repealed was repealed in British India by Act V of 1888.

CHAPTER III—BERAR—*contd.**B.—British-Berar Enactments.*1.-(a) BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED¹—*contd.*

Act.	Extent of application.	Reference.
(1)- <i>Acts of the Governor General in Council—contd.</i>		
Carriers Act, 1865 (III of 1865).	See the Notification	No. 212-J., dated the 24th October, 1873. [Printed <i>infra</i> , p. 98.]
Forest Act, 1865 (VII of 1865). ²	Ditto	Ditto.
Parsi Intestate Succession Act, 1865 (XXI of 1865). ³	Ditto	Ditto.
Native Converts Marriage Dissolution Act, 1866 (XXI of 1866).	Ditto	Ditto.
Public Gambling Act, 1867 (III of 1867).	Ditto	Ditto.
The Press and Registration of Books Act, 1867 (XXV of 1867). ⁴	Ditto	Ditto.
Divorce Act, 1869 (IV of 1869).	Ditto	Ditto.
Indian Articles of War (Act V of 1869).	Ditto	Ditto.
Prisoners' Testimony Act, 1869 (XV of 1869).	Ditto	Ditto.
Indian Coinage Act, 1870 (XXIII of 1870).	Ditto	Ditto.
Paper Currency Act, 1871 (III of 1871). ⁵	Ditto	Ditto.
Pensions Act, 1871 (XXIII of 1871).	Ditto	Ditto.
Foreign Jurisdiction and Extra-dition, 1872 (XI of 1872). ⁶	Ditto	Ditto.
Patterns and Designs Act, 1872 (XIII of 1872). ⁷	Ditto	Ditto.
Indian Christian Marriage Act, 1872 (XV of 1872).	Ditto	Ditto.

¹ See also Chapter II *supra*.² But see the Berar Forest Law, 1886, page 172. This Law apparently supersedes this Act, though it only expressly repeals the Rules of 1871.³ This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), which was applied by Notification No. 1811-I B., dated the 1st July, 1898, to the Hyderabad Assigned Districts as part of the Combined Areas described in Chapter II *supra*.⁴ The amending Act (X of 1890) has also since been applied, see p. 91 *infra*.⁵ This Act has been repealed in British India by Act XX of 1882.⁶ This Act has been repealed by Act XXI of 1879, which applies to Native Indian subjects of Her Majesty beyond the limits of British India and to European British subjects within the dominions of Princes and States in India in alliance with Her Majesty, but as that Act has never been extended to these Districts, Act XI of 1872 is apparently still in force there—at any rate, so far as regards persons other than British subjects.⁷ This Act has been repealed in British India by Act V of 1893.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*1.-(a) BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED¹—*contd.*

Act.	Extent of application.	Reference.
(1)- <i>Acts of the Governor General in Council—contd.</i>		
Panjab Municipal Act, 1873 (IV of 1873). ²	See the Notification	No. 212-J., dated the 24th October, 1873. [Printed <i>infra</i> , p. 95.]
Government Savings Banks Act, 1873 (V of 1873).	Ditto	Ditto.
Oaths Act, 1873 (X of 1873).	Ditto	Ditto.
Lunatic Soldiers' Property Act, 1873 (XII of 1873). ³	Ditto	Ditto.
Inland Customs Act, 1875 (VIII of 1875). ⁴	Ditto	No. 40-R., dated the 11th May, 1877. [Printed <i>infra</i> , p. 102.]
Indian Majority Act, 1875 (IX of 1875).	Ditto	No. 508-I., dated 4th February, 1889. [Printed <i>infra</i> , p. 103.]
Probate and Administration Act, 1875 (XIII of 1875). ⁵	Ditto	No. 3566-I., dated the 22nd September, 1884. [Printed <i>infra</i> , p. 104.]
Specific Relief Act, 1877 (I of 1877).	Ditto	No. 77-J., dated the 27th June, 1887. [Printed <i>infra</i> , p. 102.]
Opium Act, 1878 (Act I of 1878).	Ditto	No. 225-I.J., dated the 15th August, 1879. [Printed <i>infra</i> , p. 105.]
Indian Treasure Trove Act, 1878 (VI of 1878).	Ditto	No. 1071-I., dated the 10th March, 1892. [Printed <i>infra</i> , p. 106.]
Sea Customs Act, 1878 (VIII of 1878).	Ditto	No. 1331-I., dated the 20th April, 1893. [Printed <i>infra</i> , p. 106.]
Indian Arms Act, 1878 (XI of 1878).	Ditto	No. 1875-I., dated the 1st June, 1894, and No. 2140-I.B., dated the 5th August, 1898. [Printed <i>infra</i> , p. 107.]
Destruction of Records Act, 1879 (III of 1879).	Ditto	No. 227-I. J., dated the 15th August, 1879. [Printed <i>infra</i> , p. 114.]
Local Authorities Loan Act, 1879 (XI of 1879).	Ditto	No. 3143-J., dated the 2nd September, 1886. [Printed <i>infra</i> , p. 116.]
Glanders and Farcy Act, 1879 (XX of 1879). ⁶	Ditto	No. 2803-I., dated the 3rd September, 1896. [Printed <i>infra</i> , p. 116.]

¹ See also Chapter II *supra*.² This Act has been practically repealed by the Berar Municipal Law, 1886, printed *infra*, page 140 *et seq.* It has also been repealed in the Punjab by the Repealing and Amending Act, 1891 (XII of 1891).³ See the note to the Act in the notification printed *infra*, p. 95.⁴ This Act has been repealed in British India by the Indian Salt Act, 1882 (XII of 1882).⁵ This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898, to the Hyderabad Assigned Districts as part of the Combined Areas described in Chapter II *supra*.⁶ Repealed in British India by Act XIII of 1899.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*1.-(a) BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED¹—*contd.*

Act.	Extent of application	Reference.
(1)- <i>Acts of the Governor General in Council—contd.</i>		
District Delegates Act, 1881 (VI of 1881).	See the Notification . . .	No. 220-I.J., dated the 4th November, 1881. [Printed <i>infra</i> , p. 116.]
Factories Act, 1881 (XV of 1881).	Ditto . . .	No. 207-I., dated the 16th January, 1884. [Printed <i>infra</i> , p. 116.]
Indian Companies Act, 1882 (VI of 1882).	Ditto . . .	No. 3566-I., dated the 22nd September, 1884. [Printed <i>infra</i> , p. 104.]
Land Improvement Loans Act, 1883 (XIX of 1883).	Ditto . . .	No. 4129-I., dated the 22nd December, 1885. [Printed <i>infra</i> , p. 117.]
Indian Explosives Act, 1884 (IV of 1884).	Ditto . . .	No. 4742-I., dated the 4th November, 1887. [Printed <i>infra</i> , p. 117.]
Agriculturists' Loans Act, 1884 (XII of 1884).	Ditto . . .	No. 3913-I., dated the 2nd September, 1891. [Printed <i>infra</i> , p. 118.]
Local Authorities Loans Act Amendment Act, 1885 (XV of 1885). ²	Ditto . . .	No. 3143-I., dated the 2nd September, 1886. [Printed <i>infra</i> , p. 116.]
Indian Tramways Act, 1886 (XI of 1886).	The whole Act, so far as it may be suitable, and see the Notification.	No. 1620-I.B., dated the 16th June, 1899. [Printed <i>infra</i> , p. 118.]
Petroleum Act, 1886 (XII of 1886). ³	See the Notification . . .	No. 3447-I. B., dated the 6th November, 1896. [Printed <i>infra</i> , p. 119.]
Military Courts of Requests Abolition Act, 1887 (VIII of 1887). ⁴	Ditto . . .	No. 4586-I., dated the 21st November, 1888. [Printed <i>infra</i> , p. 119.]
Measures of Length Act, 1889 (II of 1889).	The whole Act so far as it may be applicable, and see the Notification.	No. 3268-I., dated the 1st October, 1890. [Printed <i>infra</i> , p. 119.]
Merchandise Marks Act, 1889 (IV of 1889).	Ditto	No. 3530-I., dated the 24th October 1890. [Printed <i>infra</i> , p. 120]
Indian Railways Act, 1890 (IX of 1890).	The whole Act so far as it may be suitable and as amended for the time being by subsequent enactments. See also the Notification	No. 1332-I., dated the 23rd March, 1891. [Printed <i>infra</i> , p. 120]

¹ See also Chapter II *supra*.² This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39, to those Districts as part of the Combined Areas described in Chapter II *supra*.

This Act has been repealed in British India by the Petroleum Act, 1899 (VIII of 1899).

This Act has been repealed in British India by Act XII of 1891.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*1.-(a) BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED¹—*concl'd.*

Act.	Extent of application.	Reference.
(1)- <i>Acts of the Governor General in Council—concl'd.</i>		
Press and Registration of Books Act (1867) Amendment Act, 1890 (X of 1890). ²	The whole Act so far as it may be suitable	No. 3661-I., dated the 31st October, 1890. [Printed <i>infra</i> , p. 121.]
Indian Christian Marriage Act (1872) Amendment Act, 1891 (II of 1891). ²	Ditto.	No. 2545-I., dated the 18th June, 1891. [Printed <i>infra</i> , p. 121.]
Factories Act, 1891 (XI of 1891).	See the Notification	No. 4043-I., dated the 2nd October, 1891. [Printed <i>infra</i> , p. 122.]
Repealing and Amending Act, 1891 (XII of 1891).	So far as it affects the Registration Act, 1877 (III of 1877). ³	No. 15-I., dated the 1st January, 1892. [See <i>Gazette of India</i> , 1892, Pt. I, p. 24,—not printed for reasons indicated in the third foot-note.]
Land Acquisition Act, 1894 (I of 1894).	The whole Act and see the Notification.	No. 1204-I., dated the 12th April, 1894. [Printed <i>infra</i> , p. 123.]
Prisons Act, 1894 (IX of 1894).	Ditto.	No. 2156-I., dated the 27th June, 1894. [Printed <i>infra</i> , p. 124.]
Police Act (1861) Amendment Act, 1895 (VIII of 1895). ⁴	Ditto.	No. 2656-I. B., dated the 21st August, 1896. [Printed <i>infra</i> , p. 124.]
Cotton Duties Act, 1896 (II of 1896).	The whole Act so far as it may be suitable, and see the Notification.	No. 476-I., dated the 3rd February, 1896. [Printed <i>infra</i> , p. 125.]
Glanders and Farcy Act (1879) Amendment Act, 1896 (XV of 1896.)	The whole Act	No. 3441-I. B., dated the 9th September, 1897. [Printed <i>infra</i> , p. 125.]
(2)- <i>Acts of the Governor of Bombay in Council.</i>		
Bombay Boiler Inspection Act, 1891 (II of 1891).	The whole Act, and see the Notification.	No. 401-I., dated the 31st January 1893. [Printed <i>infra</i> , p. 125.]
Bombay Boiler Inspection Act 1897 (II of 1897)	The whole Act as modified by the Notification.	No. 2388-I. B., dated the 18th August, 1899. [Printed <i>infra</i> , p. 127.]

¹ See also Chapter II *supra*. The Census Act, 1890 (XVII of 1890), which was applied by Notification No. 337-I., dated the 22nd January, 1891 (*Gazette of India*, 1891, Pt. I, p. 56), is omitted as being now spent.

² This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), which was applied by Notification No. 1811-I B dated the 1st July, 1898 (printed *supra*, p. 39), to the Hyderabad Assigned Districts as part of the Combined Areas described in Chapter II *supra*.

³ The Registration Act, 1877 (III of 1877), that is, the Act as it stood in the Statute Book at the date of the notification, and therefore as amended by Act XII of 1891, has since been applied to these Districts by Notification No. 1811-I B., dated the 1st July, 1898 (printed *supra*, p. 39) as part of the Combined Areas described in Chapter II, *supra*. Notification No. 15-I., dated the 1st January, 1892, is therefore virtually repealed by the later notification referred to.

⁴ This Act has been repealed in British India by the Glanders and Farcy Act, 1899 (XIII of 1899).

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*1.-(b) SPECIAL LOCAL LAWS.¹

When made.	Subject.	Notification or other authority.	Reference.
1859	Berar Inam Rules	Government of India letter No. 6679, dated the 25th November, 1859.	Printed <i>infra</i> , p. 129.
1873	Abkārī Rules	Letter from the Government of India, Financial Department, to the Resident, No. 3541, dated the 10th October, 1873, and subsequently amended by Resident's Notifications No. 109, dated the 11th January, 1875, No. 409, dated the 11th December, 1895, and No. 137, dated the 23rd May, 1893.	Printed <i>infra</i> , p. 138.
1875	² Rules as to the levy of certain Cesses	No. 11, dated the 27th January, 1875.	Printed <i>infra</i> , p. 147.
1876	Declaring Rules 41 to 47, both inclusive, of the Inland Customs Rules published under Notification No. 156, ³ dated the 30th June, 1876, of the Department of Revenue, Agriculture and Commerce, to be in force in the Hyderabad Assigned Districts with certain modifications.	No. 41-B., dated the 11th May, 1877.	Printed <i>infra</i> , p. 147.
1878	Abolishing the appointment of Railway Magistrate in Berar, and directing how Railway cases may be tried.	No. 191, dated the 23rd December 1878, as amended by No. 277, dated the 26th March, 1879.	Printed <i>infra</i> , p. 152.
1879	Trial of petty railway cases	No. 152, dated the 1st November, 1879.	Printed <i>infra</i> , p. 152.
"	Rules with regard to the arrest of persons registered in British India under the Criminal Tribes Act (XXVII of 1871) and found in the Hyderabad Assigned Districts.	No. 289-I.J., dated 29th August, 1879.	Printed <i>infra</i> , p. 152.
1881	Rules for the disposal, etc., of unclaimed and <i>Lauaris</i> property.	Government of India letter No. 155-I.J., dated the 6th July, 1881.	Printed <i>infra</i> , p. 153.
1884	Recognizing the Nagpur Lunatic Asylum as a place for the custody of lunatics from the Hyderabad Assigned Districts.	No. 171, dated the 27th August, 1884.	Printed <i>infra</i> , p. 156.
1885	The Berar Rural Boards Law	No. 3585-I., dated the 22nd October, 1885, as amended by No. 386-I., dated the 26th January, 1892, No. 1659-I., dated the 12th May, 1893, and No. 2900-I., dated the 23rd August, 1894.	Printed <i>infra</i> , p. 156.

¹ See also Chapter II *supra*.² So much of these Rules as relates to the Town Fund has been superseded by the Rules regarding the levy of that Fund published in Notification No. 88, dated the 16th June, 1899—see p. 155 *infra*.³ See *Gazette of India*, 1st July, 1876, Pt. I, pp. 327 and 328.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*1.-(b) SPECIAL LOCAL LAWS—*contd.*

When made.	Subject.	Notification or other authority.	Reference.
1886	The Berar Patels and Patwaris Law	No. 10-I., dated the 1st January, 1886, as amended by No. 2161-I., dated the 24th June, 1886, No. 2167-I., dated the 30th May 1889, No. 1232-I., dated the 18th April, 1890, and No. 330-I., dated the 21st January, 1891.	Printed <i>infra</i> , p. 169.
„	The Berar Forest Law	No. 3766-I., dated the 22nd October, 1886, as amended by No. 5020-I., dated the 23rd December, 1891.	Printed <i>infra</i> , p. 173.
„	The Berar Municipal Law	No. 3938-I., dated the 5th November, 1886, as amended by No. 3142-I., dated the 23rd September, 1895, and No. 486 I.B., dated the 18th February, 1898.	Printed <i>infra</i> , p. 184.
1888	The Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888.	No. 347-I., dated the 25th January, 1889.	Printed <i>infra</i> , p. 223.
1889	Procedure for the recovery of arrears of non-municipal town funds due to any district in Berar when it has to be recovered in another district.	Resident's Book Circular No. IX of 1889.	Printed <i>infra</i> , p. 231.
1889	Declaring that the cotton and grain market cesses imposed under certain notifications issued by the Resident, by the Municipalities established in the Hyderabad Assigned Districts under Act IV of 1873, shall continue to be imposed by corresponding Municipalities under the Berar Municipal Law, 1886, for a period of six months from the 1st April, 1889, or until superseded by new cesses.	No. 2151-I., dated the 29th May, 1889, supplemented by No. 1715-I., dated the 23rd April, 1891.	Printed <i>infra</i> , p. 232.
1889	Notifying all Civil Courts in these Districts as having been established or continued by the Governor General in Council.	No. 1361-I., dated the 29th March, 1889.	Printed <i>infra</i> , p. 694.
1889 and 1890	Providing for— (1) Execution of decrees— (a) of British Indian Courts by the Civil Courts in these Districts; (b) of the Civil Courts in these Districts by other Courts in Native States established or continued by the Governor General in Council and <i>vice versa</i> ; and (c) of certain Courts in Mysore and in Bombay Native States not established or continued by the Governor General in Council, by the Civil Courts in these Districts.	Nos. 1362-I to 1364-I., dated the 29th March, 1889, and 2182-I., dated the 2nd July, 1890.	Printed <i>infra</i> , pp 695 to 698.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*1.-(b) SPECIAL LOCAL LAWS¹—*contd.*

When made.	Subject.	Notification or other authority.	Reference.
1889 and 1890— <i>contd.</i>	(2) Service of summons— (a) of British Indian Civil and Revenue Courts by the Civil Courts in these Districts; (b) of the Civil Courts in these Districts by Courts in Native States established or continued by the Governor General in Council, and <i>vice versa</i> ; and (c) of certain Courts in Hyderabad, Central India, Mysore and in Bombay Native States, not established or continued by the Governor General in Council, by the Civil Courts in these Districts.	Nos. 1366-I. to 1368-I., dated the 29th March, 1889, and No. 2182-I., dated the 2nd July, 1890.	Printed <i>infra</i> , pp. 700 and 701.
1892	Declaring the Sutta tax levied in the Khamgaon Municipality under section 7 of the Punjab Municipal Act (IV of 1873), under which the Municipality was established, to have been lawfully imposed by that Municipality as established under the Berar Municipal Law, 1886, from 21st May, 1889, and that the tax shall continue to be levied till a new tax has been imposed under section 41 (1) (b) of that Law.	No. 3690-I., dated the 27th September, 1892.	Printed <i>infra</i> , p. 233.
1893	Authorizes the levy of a water-tax in the Town of Buldana, and declares how the tax shall be payable and arrears recovered.	No. 667-I., dated the 23rd February, 1893.	Gazette of India, 1893, Pt. I, p. 112.
1894	Rules for the disposal of land set apart for building in Civil Stations, Municipalities and other special places.	Resident's Book Circular No. XX, dated the 1st October, 1894, as amended by Circular Memorandum No. 2333, dated the 9th July, 1897.	Printed <i>infra</i> , p. 233.
1895	Levy of a tax on trades and professions in the Ellichpur Civil Station.	No. 250, dated the 2nd July, 1895.	Printed <i>infra</i> , p. 244.
"	Rules for the execution of contracts and other instruments in matters connected with the administration and working of forests and the business of the forest departments.	No. 320, dated the 4th September, 1895.	Printed <i>infra</i> , p. 245.
1896	Hyderabad Assigned Districts, Land Revenue Code.	No. 3068-I.B., dated the 2nd October, 1896, as amended by No. 2831-I.B., dated the 27th July, 1897.	Printed <i>infra</i> , p. 245.
1897	Berar Cotton and Grain Markets Law	No. 1727-I.B., dated the 6th May, 1897.	Printed <i>infra</i> , p. 326.
"	The Berar Excise Law, 1897	No. 4220-I.B., dated the 12th November, 1897.	Printed <i>infra</i> , p. 305.
"	The Berar Hemp Drugs Law, 1897	No. 4222-I.B., dated the 12th November, 1897.	Printed <i>infra</i> , p. 316.

¹ See also Chapter II, *supra*.

B.—BRITISH-BERAR ENACTMENTS.

1.-(a) Notifications¹ applying British-Indian Enactments to the Hyderabad Assigned Districts.

(1)-*Acts of the Governor General in Council.*

Several Acts.

No. 212-J., dated the 24th October, 1873.—In supersession of all previous notifications extending Acts to the Hyderabad Assigned Districts, the Governor-General in Council is pleased to declare that the following Acts apply to those districts to the extent and subject to the modifications hereinafter mentioned :—

Number and year.	Subject.	Extent of application.	Modifications.
* * * XIX of 1841	* * * Curators . . .	* * * The whole Act, except sections sixteen and twenty.	* * * 2 For "Judge of the Court of the District" and "Judge" read "Depnty Commissioner;" for "Sudder Dewany Adawlut" read "Resident at Hyderabad," and for "Collector" read "Deputy Commissioner."
* * * XX of 1847	* * * Copyright . . .	* * * The whole Act, except sections four and seventeen and so much of section sixteen as relates to actions, suits, and bills.	* * * 4 * * 5 In section six, for "Supreme Court of Calcutta" read "High Court at Fort William."
* * * XII of 1850	* * * Public Accountants .	* * * Sections one to five (both inclusive).	* * * For "Governor or Governor in Council of the Presidency or place" read "Resident at Hyderabad." For "East India Company" read "Government."
XVIII of 1850	Protection of Judicial Officers.	The whole Act.	
* * * XXI of 1850	* * * Non-forfeiture of rights by loss of caste.	* * * The whole Act . . .	* * * For "territories subject to the Government of the East India Company" and "the said territories" read "British India and the Hyderabad Assigned Districts," and for "Courts of the East India Company" read "Courts of British India and of the Hyderabad Assigned Districts."

¹ See also Chapter II *supra*, p. 39.

² The entry relating to Act XI of 1841 is omitted, as that Act was repealed by the Military Courts of Requests Abolition Act, 1887 (VIII of 1887), which was applied by Notification No. 4688-I, dated the 21st November, 1888, printed *infra*, p. 119.

³ For the short titles given to these Acts by the Indian Short Titles Act, 1897 (XIV of 1897), see the Chronological List of Acts applied to these Districts, *supra*, p. 87. Act XIV of 1897 was applied by Notification No. 1811-I B, dated the 1st July, 1898 (printed *supra*, p. 39.), to the Hyderabad Assigned District as part of the Combined Areas described in Chapter II *supra*, p. 38.

⁴ The entry relating to the Salt Act, 1843 (XIV of 1843), is omitted, as that Act was repealed in these Districts with effect from the 11th May, 1877, by Notification No. 3567-I, dated the 22nd September, 1894, see *Gazette of India*, 1894, Pt. I, p. 337.

⁵ The entry relating to the Boundary Marks Act, 1846 (III of 1846), is omitted, as that Act is repealed in these Districts by the Hyderabad Assigned Districts Land Revenue Code, printed *infra*, p. 245.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1-(a) Notifications applying British-Indian Enactments—*contd.*(1)-Acts of the Governor General in Council—*contd.*Several Acts—*contd.*

Number and year.	Subject.	Extent of application.	Modifications.
¹ XXXVII of 1850	Inquiries into behaviour of public servants.	Sections two to twenty-two (both inclusive) and section twenty-five.	For "Government" and "the Government" read "the Resident at Hyderabad." For "the East India Company" read "Government." For "perjury" read "giving false evidence in a judicial proceeding." In section eight, for "given to Civil and Criminal Courts by Act XXX, 1841," read "for the time being possessed by Civil and Criminal Courts."
* *	* *	* *	* * *
* *	* *	* *	* * *
² XV of 1856	Remarriage of Hindu widows.	The whole Act.	
* *	* *	* *	* * *
* *	* *	* *	* * *
* *	* *	* *	* * *
* *	* *	* *	* * *
³ XV of 1859	Patents . . .	The whole Act, except section thirty-seven.	In section eight, for "perjury" read "giving false evidence in a judicial proceeding."
* *	* *	* *	* * *
⁴ IX of 1860	Employers and Railway workmen.	The whole Act, except section nine and the last eighteen words of section two.	
* *	* *	* *	* * *

¹ See also Chapter II, *supra*, p. 39.² For the short titles given to these Acts by the Indian Short Titles Act, 1897 (XIV of 1897), see the Chronological List of Acts applied to these Districts, *supra*, p. 67. Act XIV of 1897 was applied by Notification No. 1811-I.B., dated the 1st July, 1898 (printed *supra*, p. 39), to the Hyderabad Assigned Districts as part of the Combined Areas described in Chapter II *supra*, p. 33.³ The entry relating to the Railways Act, 1854 (XVIII of 1854), is omitted, as the Act now in force is Act IX of 1890, which was applied by Notification No. 1332-I., dated the 23rd March, 1891, printed *infra*, p. 120.⁴ The entry relating to the Salt Act, 1855 (XXXVI of 1855), is omitted, as that Act was repealed in these Districts with effect from the 11th May, 1877, by Notification No. 3567-I., dated the 22nd September, 1884, see *Gazette of India*, 1884, Pt. I, p. 337.⁵ The entries relating to the Lunatics Act, 1858 (XXV of 1858) and to the Lunatic Asylums Act, 1858 (XXXVI of 1858), are omitted, as those Acts are now in force in these Districts as part of the Combined Areas described in Chapter II *supra*, by virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.⁶ The entry relating to the Minors Act, 1858 (XI of 1858), is omitted, as that Act is repealed by the Guardian and Wards Act, 1890 (VIII of 1890), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898, to these Districts as part of the Combined Areas described in Chapter II *supra*, p. 33.⁷ The entry relating to the Code of Civil Procedure, 1859 (VIII of 1859), has been omitted, as the Code now in force in these Districts is Act XIV of 1882, see Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.⁸ The entry relating to the Rent Act, 1859 (X of 1859), is omitted, as that Act is repealed in these Districts by the Hyderabad Assigned Districts Land Revenue Code, printed *infra*, p. 245.⁹ This Act is repealed in British India by the Patents and Designs Act, 1888 (XV of 1888).¹⁰ The entry relating to the Telegraph Act, 1860 (VIII of 1860), is omitted, as the Act now in force in these Districts is Act XIII of 1885, see Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.¹¹ The entry relating to Act XXVII of 1860 (Succession) is omitted, as that Act is repealed by the Succession Certificates Act, 1889 (VII of 1889), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898 (printed *supra*, p. 39), to these Districts as part of the Combined Areas described in Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1-(a) Notifications applying British-Indian Enactments¹—*contd.*(1)-Acts of the Governor General in Council—*contd.*Several Acts—*contd.*

Number and year	Subject.	Extent of application.	Modifications.
* *	* *	* * *	* * *
* *	* *	* * *	* * *
V of 1861	Police . . .	The whole Act, except section eleven.	
* *	* *	* * *	* * *
* *	* *	* * *	* * *
* *	* *	* * *	* * *
* *	* *	* * *	* * *
XX of 1863	Native Religious Endowments.	The whole Act, except section one and so much of section eighteen as relates to unstamped paper and stamp duty.	
* *	* *	* * *	* * *
* *	* *	* * *	* * *
* *	* *	* * *	* * *
* *	* *	* * *	* * *
III of 1865	Carriers . . .	The whole Act . . .	In sections six and seven, for "Act XXII of 1863 (to provide for taking land for works of public utility to be constructed by private persons or Companies, and for regulating the construction and use of works on land so taken)" read "The Land Acquisition Act, 1870" ¹¹

¹ See also Chapter II *supra*, p. 34.² The entry relating to the Arms Act, 1860 (XXXI of 1860), is omitted, the Act being repealed by the Indian Arms Act, 1878 (XI of 1878), which was applied by Notification No. 1875-I, dated the 1st June, 1894, printed *infra*, p. 107.³ The entry relating to the Indian Penal Code (Act XLV of 1860) is omitted, as the Act is now in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39, and that Notification cancels Notification No. 212-J., dated the 24th October, 1873, so far as it relates to the Penal Code.⁴ The entries relating to Acts XXIII of 1861 and IX of 1863 (Amendment of the Code of Civil Procedure) are omitted, as the Code now in force in these Districts is Act XIV of 1852, see Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁵ The entry relating to the Salt Act, 1862 (XIX of 1862), is omitted, as that Act was repealed in these Districts with effect from the 11th May, 1877, by Notification No. 3567-I., dated the 22nd September, 1884, see *Gazette of India*, 1884, Pt. I, p. 337.⁶ The entry relating to the Privy Council Appeals Act, 1863 (II of 1863), is omitted, see now the Code of Civil Procedure (XIV of 1882) which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁷ The entry relating to the Whipping Act, 1864 (VI of 1864), is omitted, as that Act is now in force, in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁸ The entry relating to the Salt Act, 1864 (VII of 1864), is omitted, as that Act was repealed in these Districts with effect from the 11th May, 1877, by Notification No. 3567-I., dated the 22nd September, 1884, see *Gazette of India*, 1884, Pt. I, p. 337.⁹ The entry relating to the Carriage Acts, 1864 (XXII of 1864), is omitted, as that Act was repealed in these Districts by clause (5) of Notification No. 1768-I., dated the 3rd June, 1885, see *Gazette of India*, 1885, Pt. I, p. 325.¹⁰ The entry relating to Bombay Act I of 1865 (Survey and Demarcation of Lands) is omitted, as that Act is repealed by the Hyderabad Assigned Districts Land Revenue Code, printed *infra*, p. 245.¹¹ The Land Acquisition Act, 1894 (I of 1894) is now in force, see Notification No. 1204-I., dated the 12th April, 1894, printed *infra*, p. 123.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.(a) Notifications applying British-Indian Enactments¹—*contd.*(1)-Acts of the Governor General in Council—*contd.*Several Acts—*contd.*

Number and year.	Subject.	Extent of application.	Modifications.
² VII of 1865	Forests . . .	The whole Act, except sections eighteen and nineteen, the last clause of section one, and the last eighteen words of section sixteen.	For "Local Government" read "Resident at Hyderabad."
* *	* *	* * *	* * *
* *	* *	* * *	* * *
XXI of 1865	Intestate Succession to Parsees.	The whole Act.	
* *	* *	* * *	* * *
* *	* *	* * *	* * *
* *	* *	* * *	* * *
XXI of 1866	Dissolution of marriages of converts.	The whole Act, except so much of section seven as relates to a stamp.	
III of 1867	Public gambling .	The whole Act . . .	To the definition of "Chief Commissioner" add "and includes the Resident at Hyderabad." In section seventeen for "sixty-one" read "three hundred and seven."
* *	* *	* * *	* * *
* *	* *	* * *	* * *
XXV of 1867	Printing Presses and Books.	The whole Act, except sections two and twenty-three	To the definition of "Local Government" add "and the Resident at Hyderabad."
* *	* *	* * *	* * *

¹ See also Chapter II *supra*² But see the Berar Forest Rules, 1871, and the Berar Forest Law, 1886. The latter apparently supersedes this Act, though it only expressly repeals the Rules of 1871. The Law is printed *infra*, p. 173.³ The entry relating to the Succession Act, 1865 (X of 1865), is omitted, as the Act is now in force in these Districts in virtue of Notification No. 1811-I B, dated the 1st July, 1893, printed *supra*, p. 39.⁴ The entry relating to the Small Cause Courts Act, 1865 (XI of 1865), is omitted, as that Act is repealed in these Districts by the Hyderabad Assigned Districts Small Cause Courts Law, 1889, printed *supra*, p. 68.⁵ The entry relating to Act VI of 1864 (Arms Act Continuance) is omitted as no longer required, the Arms Act, 1878 (XI of 1878), having since been applied by Notification No. 1875-I, dated the 1st June, 1894, printed *infra*, p. 107, and the Act itself was spent before the application of the latter Act.⁶ The entry relating to the Companies Act, 1866 (X of 1866), is omitted, as that Act is repealed by the Indian Companies Act, 1882 (VI of 1882), which was applied to these Districts by Notification No. 3568-I, dated the 22nd September, 1884, printed *infra*, p. 104.⁷ The entry relating to the Post Office Act, 1866 (XIV of 1866), is omitted, as that Act is repealed in these Districts by the Post Office Act, 1898 (VI of 1898), which is in force in these Districts in virtue of Notification No. 1811-I B, dated the 1st July, 1898, printed *supra*, p. 39.⁸ The entry relating to Act X of 1867 (Small Cause Court References) is omitted. See now the Code of Civil Procedure (Act XIV of 1882), which is in force in these Districts in virtue of Notification No. 1811-I B, dated the 1st July, 1899, printed *supra*, p. 39.⁹ The entry relating to the Administrator General's Act, 1867 (XXIV of 1867), is omitted, as that Act was repealed in these Districts by Notification No. 3567-I, dated the 22nd September, 1884. See *Gazette of India*, 1884, Pt. I, p. 337.¹⁰ The entry relating to the Railway Servants Act, 1867 (XXXI of 1867), is omitted, as the Act now in force in these Districts is the Railways Act, 1890 (IX of 1890), which contains similar provisions and was applied by Notification No. 1332-I, dated the 23rd March, 1891, printed *infra*, p. 120.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.(a) Notifications applying British-Indian Enactments ¹—*contd.*(1)-Acts of the Governor General in Council—*contd.*Several Acts—*contd.*

Number and year.	Subject.	Extent of application	Modifications.
* *	* *	* * *	* * *
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IV of 1869	Divorce . . .	The whole Act, except so much of sections forty-seven and forty-nine as relates to stamps.	
⁵ V of 1869 (as modified and amended by Acts XII of 1891 and XII of 1894).	Indian Articles of War.	The whole Act, except clause (b) of Part I and Article 171.	For "British India" read "the Hyderabad Assigned Districts" and for "Local Government" read "Resident at Hyderabad."
XV of 1869 .	Prisoners' Testimony	The whole Act . . .	For "Local Government" read "Resident at Hyderabad."
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¹ See also Chapter II *supra*, p. 34.² The entry relating to the General Clauses Act, 1863 (I of 1863), is omitted, as that Act was repealed by the General Clauses Act, 1897 (X of 1897), which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1893, printed *supra*, p. 39.³ The entry relating to Act XII of 1863 (power to suspend s. 17 of the Military Courts of Requests Act) is omitted, as the Act was repealed by Act VIII of 1897, which was applied by Notification No. 45-B-I., dated the 21st November, 1888, printed *infra*, p. 119.⁴ The entry relating to the Justices of the Peace Act, 1869 (II of 1869), is omitted, as that Act was repealed by Act X of 1882, and that Act by the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1893, printed *supra*, p. 39.⁵ This entry was substituted for the original entry by Notification No. 881-I B., dated the 7th April, 1899, see *Gazette of India*, 1899, Pt. I, p. 225.⁶ The entry relating to the Stamp Act, 1869 (XVIII of 1869), is omitted, as the Act now in force in these Districts is Act II of 1899, see entry No. 28 in Notification No. 1811-I B., dated the 1st July, 1893, printed *supra*, p. 39.⁷ The entry relating to the Administration of Estates Act, 1869 (XIX of 1869), is omitted, as that Act was repealed in these Districts by Notification No. 3567-I., dated the 22nd September, 1894, see *Gazette of India*, 1894, Pt. I, p. 337.⁸ The entry relating to the European Vagrancy Act, 1869 (XXI of 1869), is omitted, as that Act was repealed in these Districts by the notification quoted in the note immediately preceding.⁹ The entry relating to the Land Acquisition Act, 1870 (X of 1870), is omitted, as that Act was repealed in these Districts by the Land Acquisition Act, 1894 (I of 1894), which was applied by Notification No. 1204-I., dated the 12th April, 1894, printed *infra*, p. 123.¹⁰ The entry relating to the Government Railways Act, 1870 (XIII of 1870), is omitted, as that Act was repealed by Act IV of 1879, and that Act by the Railways Act, 1890 (IX of 1890), which was applied by Notification No. 1332-I., dated the 23rd March, 1891, printed *infra*, p. 120.¹¹ The entries relating to the Court Fees Act, 1870 (VII of 1870) and to the Court-fees Act Amendment Act, 1870 (XX of 1870), is omitted, as the Court-fees Act, 1870, as it stood on the Statute Book on the date of that notification, is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1893, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.—(a) Notifications applying British-Indian Enactments¹—*contd.*(1)—Acts of the Governor General in Council—*contd.*Several Acts—*contd.*

Number and year.	Subject.	Extent of application.	Modifications.
* * *	* * *	* * *	* * *
XXIII of 1870	Coinage	The whole Act, except section two and the Schedule.	For "Local Government" read "Resident at Hyderabad."
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III of 1871	Paper Currency	The whole Act.	
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XXIII of 1871	Pensions	The whole Act, except sections one and two and the Schedule.	For "Local Government" read "the Resident at Hyderabad."
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¹ See also Chapter II *supra*, p. 39.² The entry relating to the European British Subjects Act, 1870 (XXII of 1870), is omitted, as that Act was repealed by Act X of 1882, and that Act by the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.³ The entry relating to the Prisons Act, 1870 (XXVI of 1870), is omitted as that Act was repealed by the Prisons Act 1894 (IX of 1894), which was applied to these Districts by Notification No. 2156-I, dated the 27th June, 1894, printed *supra*, p. 124.⁴ The entry relating to the Penal Code Amendment Act (XXVII of 1870), is omitted, as the Indian Penal Code (Act XLV of 1860), as it stood on the Statute Book at the date of that notification, (*see* General Acts, Vol. I, Ed. 1898, p. 240,) is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁵ The entry relating to the (attle Trespass Act, 1871 (I of 1871), is omitted as it is now in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁶ The entry relating to the Prisons Act, 1871 (V of 1871), is omitted, as it is now in force in these Districts in virtue of Notification No. 3930-I, dated the 1st November, 1894, printed *supra*, p. 53, and No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁷ The entry relating to the Registration Act, 1871 (VIII of 1871), is omitted, as that Act was repealed by the Indian Registration Act, 1877 (III of 1877), which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁸ The entry relating to the Limitation Act, 1871 (IX of 1871), is omitted, as that Act was repealed by the Indian Limitation Act, 1877 (XV of 1877), which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.⁹ The entry relating to the Railways Act, 1871 (XXV of 1871), is omitted, as the Railways Act, 1890 (IX of 1890), is in force in these Districts in virtue of Notification No. 1332-I, dated the 23rd March, 1898, printed *supra*, p. 120.¹⁰ The entry relating to the Land Improvement Act, 1871 (XXVI of 1871), is omitted, as that Act was repealed by Notification No. 4129-I, dated the 22nd December, 1885, printed *supra*, p. 117.¹¹ The entry relating to the European Vagrancy Act, 1871 (XXVIII of 1871), is omitted, as that Act was repealed by Notification No. 3567-I., dated the 22nd September, 1884, *see* *Gazette of India*, 1884, Pt. I, p. 126.¹² The entry relating to the Indian Evidence Act, 1872 (I of 1872), is omitted, as that Act is now in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.¹³ The entry relating to the Code of Criminal Procedure, 1872 (X of 1872), is omitted, as the Code of Criminal Procedure, 1898 (V of 1898), is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.(a) Notifications applying British-Indian Enactments¹—*contd.*(1)-Acts of the Governor General in Council—*contd.*Several Acts—*concl'd.*

Number and year.	Subject	Extent of application.	Modifications.
XI of 1872	Foreign Jurisdiction and Extradition.	The whole Act.	
XIII of 1872	Patterns and Designs	The whole Act.	
XV of 1872	Christian Marriage .	The whole Act . . .	For "Local Government" read "the Resident at Hyderabad." ²
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⁶ IV of 1873	Punjab Municipal Act.	The whole Act, except section one.	For "Punjab" read "Hyderabad Assigned Districts." For "Punjab Gazette" read "Hyderabad Residency Orders." For "Local Government" read "the Resident at Hyderabad."
V of 1870	Government Savings Banks.	The whole Act.	
X of 1873	Oaths . . .	The whole Act, except section two and the Schedule.	
⁷ XIV of 1873	Military Lunatics' property.	The whole Act.	

[See *Gazette of India*, 1873, Pt. I, p. 27.]¹ See also Chapter II *supra*, p. 39.² For further modifications with which this Act is now in force in the Hyderabad Assigned Districts only, see the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888, printed *infra*, p. 223.³ The entry relating to the Evidence Act Amendment Act, 1872 (XVIII of 1872), is omitted, as the Indian Evidence Act, 1872 (I of 1872), as it stood on the Statute Book at the date of that notification (see General Acts, Vol. II, Ed. 1893, p. 222), is now in force in these Districts in virtue of Notification No. 1811-I B, dated the 1st July, 1893, printed *supra*, p. 39.⁴ The entry relating to Act XIX of 1872 (Definition of Coin) is omitted, as the Penal Code (Act XLV of 1860), as it stood on the Statute Book at the date of that notification, is in force in these Districts in virtue of Notification No. 1811-I B, dated the 1st July, 1893, printed *supra*, p. 39.⁵ The entry relating to the Native Military Lunatics Act, 1872 (XXI of 1872), is omitted, as that Act was repealed by Notification No. 3567-I, dated the 22nd September, 1894, see *Gazette of India*, 1894, Pt. I, p. 337.⁶ The Punjab Municipal Act, 1873 (IV of 1873), has practically been superseded by the Berar Municipal Law, 1886, printed *infra*, p. 184.⁷ This Act is virtually repealed in British India by the Regimental Debts Act, 1893 (56 and 57 Vict., c. 5), and the Indian Articles of War (Act V of 1869), as amended by Act XII of 1894; both of these two Acts last mentioned are in force in these Districts, see *supra* footnote to entry in this notification relating to Act V of 1869.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Stage Carriages Act, 1861 (XVI of 1861).**

No. 2156-I., dated the 1st June, 1888.—The Governor General in Council, in exercise of the powers conferred upon him by the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, is pleased to extend the provisions of Act XVI of 1861 (an Act for licensing and regulating Stage Carriages) to the Hyderabad Assigned Districts, with effect from the first day of June, 1888, subject to the following modifications:—

- (1) For “British India,” wherever the words occur, read “the Hyderabad Assigned Districts.”
- (2) Omit the words “or by the Chief Commissioner of Police of a Presidency Town,” “or Chief Commissioner of Police” and “or Chief Commissioner of Police aforesaid,” wherever they occur.
- (3) In section 5, after the words “in the English,” insert “and in the Marathi.”
- (4) In section 21, omit the definition of “British India” and for the definition of “horse” read “All expressions and provisions which in this Act are applied to horses, shall also apply to all other animals employed in drawing any carriage ordinarily used for the purpose of conveying passengers for hire to or from any place in the Hyderabad Assigned Districts.”
- (5) Omit section 22.

[See *Gazette of India*, 1888, Pt. I, p. 245.]

The Foreigners Act, 1864 (III of 1864).

No. 1382-I., dated the 28th May, 1883.—The Governor General in Council is pleased to extend sections 1 to 4 of Act III of 1864 (*An Act to give the Government certain powers with respect to Foreigners*) to the Hyderabad Assigned Districts, with the following modifications:—

To section 1, second paragraph, *add* the words “and shall include the Hyderabad Assigned Districts.”

To section 1, third paragraph, *add* the words “the words ‘Local Government’ shall include the Resident at Hyderabad.”

[See *Gazette of India*, 1883, Pt. I, p. 241.]

The Inland Customs Act, 1875 (VIII of 1875).

No. 40 R., dated the 11th May, 1877.—In supersession of Notification in the Foreign Department, No. 91-R., dated the 21st April, 1874, the Governor General

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments—*contd.****(1)-Acts of the Governor General in Council—contd.***The Inland Customs Act, 1875 (VIII of 1875)—*contd.***

in Council is pleased to declare the provisions of the Inland Customs Act, 1875, to be in force in the Hyderabad Assigned Districts, so far as they relate to the import and manufacture of salt, and subject to the modifications hereinafter mentioned, that is to say :—

For the words “ Local Government ” (wherever they occur) are substituted the words “ Resident at Hyderabad.”

The words “ the said territories ” shall include the Hyderabad Assigned Districts.

Omit paragraphs 2, 3 and 4, section 1, section 2 and schedule.

In section 25 and section 10, clause E, for the word “ Government ” are substituted the words “ the Hyderabad Assigned Districts.”

In section 8, clause (a), after the words “ Central Provinces ” the words “ and into any part of the Hyderabad Assigned Districts ” shall be inserted.

[See *Gazette of India*, 1877, Pt. I, p. 245.]

The Indian Majority Act (IX of 1875).

No. 508-I., dated the 4th February, 1889.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions of the Indian Majority Act, 1875, subject to the following modifications, namely :—

For section 1 read “ This Act may be called the Majority Act, 1889. It extends to the Hyderabad Assigned Districts, except so far as regards subjects of Her Majesty, and it shall come into force at once.”

In section 2, clause (b), for the words “ Her Majesty’s subjects in India ” read “ persons in the Hyderabad Assigned Districts.”

In section 3 omit “ and every minor under the jurisdiction of any Court of Wards,” and after the words and figures “ (Act No. X of 1865) ” read “ as applied to the Hyderabad Assigned Districts.”

For the words “ British India ” or “ British-Indian Domicile, ” wherever they occur, read “ the Hyderabad Assigned Districts ” or “ Domicile in the Hyderabad Assigned Districts,” respectively.

[See *Gazette of India*, 1889, Pt. I, p. 82.]

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactment¹—*contd.*(1)-Acts of the Governor General in Council—*contd.*

The Indian Companies Act, 1882 (VI of 1882), and other Acts.

No. 3566-I, dated the 22nd September, 1884.—The Governor General in Council is pleased to extend the following Acts to the Hyderabad Assigned Districts, to the extent and subject to the modifications hereinafter set forth :—

1	3	3	4
Number and year	Title or short title.	Extent of application.	Modifications.
XIII of 1875 ²	To amend the law relating to Probates and Letters of Administration.	Section 6.	Prefix the following preamble ;—" Whereas it is expedient to amend the Court Fees Act, 1870, as to probates, letters of administration and certificates of administration ; it is hereby enacted as follows :— In sub-sections 19A and 19E, for " the Province in which the probate or letters has or have been granted " read " the Hyderabad Assigned Districts." In sub-section 19C first line, omit the word " such." In sub-section 19G, for " first day of April, 1875 " read " 22nd day of September, 1884"
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* *	* *	* * *	* * * *
VI of 1882	The Indian Companies Act, 1882.	The whole Act, except, in section 65, the words " if the registered office be situate in a district beyond the local limits of the ordinary original civil jurisdiction of a High Court " and the words " language or " ; in section 125, the words " situate outside the towns of Calcutta, Madras and Bombay ; " the proviso in clause (g) of section 144 ; in clause (c) of section 220, the words " that there be at all times maintained in each of the towns of Calcutta,	For " Local Government " read " Resident at Hyderabad." For " British India " read the " Hyderabad Assigned Districts," except in the first place in which the phrase occurs in section 172, where it should be read as including the Hyderabad Assigned Districts. In clause 3 of section 1, for " the first day of May, 1882," read " the 22nd day of September, 1884." In section 3, for definitions of " Court " and " District Court " read " ' Court ' and ' District Court ' mean the principal Civil Court of original jurisdiction in a district." In sections 123, 218 and 219, for " High Court " read " Court of the Judicial Commissioner." In section 26 for " one of the Secretaries," and in section 36 for " one of the Secretaries to each Government " read " his Secretary." In section 55, for " any Judge of a High Court " read " the Court of the Judicial Commissioner."

¹ See also Chapter II *supra*, p. 33

² See now the Court Fees Act, 1870 (VII of 1870), as applied by entry No. 9 of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 38.

³ The entry relating to the Indian Telegraph Act, 1876 (I of 1876), is omitted, as it was repealed by the Indian Telegraph Act, 1885 (XIII of 1885), which is in force in these Districts in virtue of Notification No. 1811-I B., dated 1st July, 1898, printed *supra* p. 39.

⁴ The entry relating to the Seditious Publications Act, 1892, (III of 1892) is omitted, as the Act was repealed by the Indian Post Office Act, 1898 (VI of 1898), which is in force in these Districts in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments -1-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Indian Companies Act, 1882 (VI of 1882), and other Acts—*concl'd.***

1	2	3	4
Number and year.	Title or short title	Extent of application.	Modifications.
VI of 1882— <i>concl'd.</i>	The Indian Companies Act, 1882— <i>concl'd.</i>	Madras and Bombay, at least one such office, and"; and the second paragraph of section 252.	In section 65, for "such district" read "the Hyderabad Assigned Districts." In section 68, for "The High Court or any Judge thereof" read "the Court of the Judicial Commissioner." In section 130, for the last fifty-two words read "the Court of the Judicial Commissioner, in which case the word 'Court' shall mean the Court of the Judicial Commissioner." In section 171, for "the High Court" and "a High Court" read "the Court of the Judicial Commissioner." In section 254, for "High Court" read "Resident."
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[See *Gazette of India*, 1884, Pt. I, p. 336.]**The Specific Relief Act, 1877 (I of 1877)**

No. 77-J., dated the 27th June, 1877.—His Excellency the Governor General in Council, is pleased to extend the provisions of Act I of 1877 (The Specific Relief Act) and Act III of 1877 (The Indian Registration Act)³ to the Hyderabad Assigned Districts and to the Cantonment of Sikandarabad.

[See *Gazette of India*, 1877, Pt. I, p. 332.]**The Opium Act, 1878 (I of 1878).**

No. 225-I.J., dated the 15th August, 1879.—The Governor General in Council is pleased to extend Act No. I of 1878 (The Opium Act, 1878,) to the Hyderabad Assigned Districts, subject to the modifications hereinafter specified.

1.—For the last two clauses of section one, the following clause shall be substituted:—

And it shall come into force in the Hyderabad Assigned Districts on the 21st day of August 1879.

2. Section two, and the last paragraph of section twenty-two, shall be omitted.

¹ See also Chapter II *supra*, p. 34.

² The entry relating to the Indian Penal Code Amendment Act, 1882 (VIII of 1882), is omitted, as the Indian Penal Code (Act XLV of 1860), as it stood on the Statute Book on the date of that notification (see General Acts, Ed 1892, Vol. I, p. 240), is in force in these Districts in virtue of Notification No. 1811-I.B. dated the 1st July, 1898, printed *supra*, p. 39.

³ So far as this Notification affects the Indian Registration Act, 1877 (III of 1877), it has been repealed by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Opium Act, 1878 (I of 1878)—*concl'd.***

3. In section three, in the definition of "Magistrate" the words "in the Presidency towns, a Presidency Magistrate and elsewhere" shall be omitted.

4. In section 12, in the third paragraph, the words "Collector of the District of ;" in sections nineteen and twenty-four the words "Collector of the District," and in section twenty-four the word "Collector" and the words "Collector, Deputy Collector or other," shall be omitted.

5. For the words "the Local Government", "any Local Government" "the same Local Government" "such Government" and "such Local Government" wherever they occur, and for the words "British India" in section six the words *the Resident at Hyderabad* and *the Hyderabad Assigned Districts* respectively shall be substituted.

[See *Gazette of India*, 1879, Pt. I, p. 558.]

The Treasure Trove Act, 1878 (VI of 1878).

No. 1071-I., dated the 10th March, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XX of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions, so far as they may be suitable, of the Indian Treasure Trove Act (VI of 1878), subject to the following modifications, namely:—

- (1) In section 1, for the words "British India," the words "the Hyderabad Assigned Districts" shall be read.
- (2) Section 2 and the schedule shall be omitted.
- (3) In sections 3, 5, and 19, for the words "Local Government" the words "Resident at Hyderabad" shall be read.
- (4) In section 9, for the words "chief controlling revenue authority" the words "Commissioner of the Hyderabad Assigned Districts" shall be read.
- (5) After section 16 the following section shall be inserted:—

"16A. If any treasure exceeds rupees one lakh in amount or value, so much of such treasure as exceeds that amount or value shall vest in and become the property of the Government, and nothing in sections 9 to 16, both inclusive, shall be deemed to apply to so much of such treasure as exceeds that amount or value."

- (6) For the words "Her Majesty" in sections 20 and 21 the words "the Government" shall be read.

[See *Gazette of India*, 1892, Pt. I, p. 134.]

The Sea Customs Act, 1878 (VIII of 1878), ss. 19 and 167, and Art. 8 of Schedule.

No. 1331-I., dated the 20th April, 1893.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments**¹—*contd.**(1)-Acts of the Governor General in Council—contd.*

The Sea Customs Act, 1878 (VIII of 1878), ss. 19 and 167, and Art. 8 of Schedule. 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions, so far as suitable, of sections 19 and 167 (together with article 8 of the schedule appended to the said section 167) of the Sea Customs Act (VIII of 1878), subject to the following modification, *viz.*:—*For* the words “British India,” wherever they occur, *read* “the Hyderabad Assigned Districts.”

[See *Gazette of India*, 1893, Pt. I, p. 213.]

The Arms Act, 1878 (XI of 1878).

No. 1875-I, dated the 1st June, 1894.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the Indian Arms Act (XI of 1878) to the Hyderabad Assigned Districts with effect from the date of this notification, subject to the modifications hereinafter appearing, and the Act as modified shall be in the terms set forth in the schedule hereto.

SCHEDULE.

ACT NO. XI OF 1878.

(Received the Governor General's assent on the 15th March, 1878).

An Act to consolidate and amend the law relating to Arms, Ammunition and Military Stores.

As applied to the Hyderabad Assigned Districts.

Whereas it is expedient to consolidate and amend the law relating to arms, ammunition and military stores; It is hereby enacted as follows :—

Preamble.

I.—Preliminary.

1. This Act may be called the Indian Arms Act, 1878; and it extends
Short title. to the whole of the Hyderabad Assigned Dis-
Local extent. tricts.

But nothing herein contained shall apply to the manufacture, conversion, sale, import, export, transport, bearing or possession of arms, ammunition or military stores by order
Savings.

of the Government, or by a public servant or a volunteer enrolled under the Indian Volunteers Act, 1869,² in the course of his duty as such public servant or volunteer. **XX of 1869**

¹ See also Chapter II *supra*, p. 33.

² Printed, General Acts, Vol. II, Ed. 1893, p. 112. The Act extends *proprio vigore* to British subjects in Native States, *see* s. 2; but it has not been applied to the Hyderabad Assigned Districts.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*contd.***

2. Acts XXXI of 1860 and VI of 1866 are hereby repealed. But all authorities and permissions given, licenses and exemptions granted, orders and appointments made, notifications published, and rules, conditions and forms prescribed, under either of the said Acts, shall be deemed to be respectively given, granted, made, published and prescribed under this Act.

And all such authorities, permissions, licenses and exemptions shall, except as otherwise provided by this Act, continue in force for the periods for which they may have been given or granted respectively, or, where no such period is expressly fixed, for one year from the date on which this Act comes into force, and shall then cease to have effect.

Interpretation-clause.

3. In this Act, 'unless there be something repugnant in the subject or context,—

"cannon" includes also all howitzers, mortars, wall-pieces, mitrailleuses and other ordnance and machine-guns, all parts of the same, and all carriages, platforms and appliances for mounting, transporting and serving the same :

"arms" includes fire-arms, bayonets, swords, daggers, spears, spear-heads and bows and arrows, also cannon and parts of arms, and machinery for manufacturing arms :

"ammunition" includes also all articles specially designed for torpedo service and submarine mining, rockets, gun-cotton, dynamite, lithofracteur and other explosive or fulminating material, gun-flints, gun-wads, percussion-caps, fuses and friction tubes, all parts of ammunition and all machinery for manufacturing ammunition, but does not include lead, sulphur or saltpetre :

² "military stores," in any section of this Act, means any military stores to which the Governor General in Council may, from time to time, by notification in the *Gazette of India*, especially extend such section, and includes also—

- (a) sulphur when in quantities exceeding [ten]³ ser in weight,
- (b) leaden bird-shot and bullets when possessed in quantities exceeding one hundredweight at any one time, and
- (c) all lead, saltpetre and other material to which the Governor General in Council may, from time to time, so extend such section.

"license" means a license granted under this Act, and "licensed" means holding such license.

II.—Manufacture, Conversion and Sale.

4. No person shall manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores except under a license, and in the manner and to the extent permitted thereby.

¹ See also Chapter II *supra*, p. 33.

² This definition was substituted for the original definition by Notification No. 2140-I.B., dated the 5th August, 1898, see *Gazette of India*, 1898, Pt. I, p. 879.

³ The word "ten" was substituted for the word "one" by Notification No. 2233-I.B., dated the 17th August, 1898, see *Gazette of India*, 1898, Pt. I, p. 910.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*contd.***

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 21 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest police-station, notice of the sale and of the purchaser's name and address.

III.—Import, Export and Transport.

5. No person shall bring or take into or out of the Hyderabad Assigned Districts any arms, ammunition or military stores except under a license, and in the manner and to the extent permitted by such license.

Unlicensed importation and exportation prohibited.

Nothing in the first clause of this section extends to arms (other than cannon) or ammunition imported or exported in reasonable quantities for his own private use by any person lawfully entitled to possess, either in British India or in the Hyderabad Assigned Districts, such arms or ammunition; but any Deputy Commissioner in the Hyderabad Assigned Districts may at any time detain such arms or ammunition until he receives the orders of the Resident at Hyderabad thereon.

Importation and exportation of arms and ammunition for private use.

Power to prohibit transport.

6. The Governor General in Council may, from time to time, by notification in the *Gazette of India*,—

(a) regulate or prohibit the transport of any description of arms, ammunition or military stores over the whole of the Hyderabad Assigned Districts, or any part thereof, either altogether, or except under a license, and to the extent and in the manner permitted by such license; and

(b) cancel any such notification.

7. When any person is found carrying or conveying any arms, ammunition or military stores, whether covered by a license or not, in such manner or under such circumstances as to afford just grounds of suspicion that the same are being carried by him with intent to use them, or that the same may be used for any unlawful purpose, any person may without warrant apprehend him and take such arms, ammunition or military stores from him.

Arrest of persons conveying arms, etc., under suspicious circumstances.

Any person so apprehended, and any arms, ammunition or military stores so taken, by a person not being a Magistrate or Police-officer, shall be delivered over as soon as possible to a Police-officer.

Procedure where arrest made by person not Magistrate or Police-officer.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*contd.***

All persons apprehended by, or delivered to, a Police-officer, and all arms and ammunition seized by, or delivered to, any such officer under this section, shall be taken without unnecessary delay before a Magistrate.

IV.—Going armed and possessing arms, etc.

8. No person shall go armed with any arms except under a license, and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police-officer or other person empowered by the Resident at Hyderabad in this behalf by name or by virtue of his office.

9. After a date to be fixed in this behalf by the Resident at Hyderabad by notification in the local official Gazette, no person shall have in his possession or under his control any cannon or fire-arms, or any ammunition or military stores, except under a license, and in the manner and to the extent permitted thereby.

10. Any person possessing arms, ammunition or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police-station.

Arms of which possession has become unlawful to be deposited at police-station.

If the owner of anything deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorising him to possess the same and apply for delivery of the same, such thing shall be forfeited.

V.—Licenses.

11. The Governor General in Council may from time to time, by notification in the *Gazette of India*, make rules to determine the officers by whom, the form in which, and the terms and conditions on and subject to which, any license shall be granted; and may by such rules, among other matters,—

(a) fix the period for which such license shall continue in force;

(b) fix a fee payable by stamp or otherwise in respect of any such license granted in a place to which section 32, clause 2, of Act No. XXXI of 1860 applies at the time this Act comes into force, or in respect of any such license other than a license for possession granted in any other place;

(c) direct that the holder of any such license other than a license for possession, shall keep a record or account, in such form as the Resident at Hyderabad may prescribe, of anything done under such license, and exhibit such record or account when called upon by an officer of Government to do so;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*contd.***

- (d) empower any officer of Government to enter and inspect any premises in which arms, ammunition or military stores are manufactured or kept by any person holding a license of the description referred to in section 4 or section 5 ;
- (e) direct that any such person shall exhibit the entire stock of arms, ammunition and military stores in his possession or under his control to any officer of Government so empowered ; and
- (f) require the person holding any license or acting under any license to produce the same, and to produce or account for the arms, ammunition or military stores covered by the same when called upon by an officer of Government so to do.

Cancelling and suspension of 12 Any license may be cancelled or suspended—
license.

- (a) by the officer by whom the same was granted, or by any authority to which he may be subordinate, or by any Deputy Commissioner within the local limits of whose jurisdiction the holder of such license may be when, for reasons to be recorded in writing, such officer, authority, or Deputy Commissioner deems it necessary for the security of the public peace to cancel or suspend such license ; or
- (b) by any Judge or Magistrate before whom the holder of such license is convicted of an offence against this Act, or against the rules made under this Act ; and

the Resident at Hyderabad may at his discretion, by a notification in the local official Gazette, cancel or suspend all or any license throughout the whole or any portion of the Hyderabad Assigned Districts.

VI.—Penalties.

For breach of sections 4, 5, 6, 8 13. Whoever commits any of the following to 11. offences (namely) :—

- (a) manufactures, converts or sells, or keeps, offers or exposes for sale any arms, ammunition or military stores in contravention of the provisions of section 4 ;
- (b) fails to give notice as required by the same section ;
- (c) imports or exports any arms, ammunition or military stores in contravention of the provisions of section 5 ;
- (d) transports any arms, ammunition or military stores in contravention of a regulation or prohibition issued under section 6 ;
- (e) goes armed in contravention of the provisions of section 8 ;
- (f) has in his possession or under his control any cannon, fire-arms, ammunition or military stores in contravention of the provisions of section 9 ;
- (g) intentionally makes any false entry in a record or account which, by a rule made under section 11, clause (c), he is required to keep ;

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*contd.***

(b) intentionally fails to exhibit anything which, by a rule made under section 11, clause (e), he is required to exhibit; or

(i) fails to deposit arms, ammunition or military stores as required by section 9 or section 10,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Whoever does any act mentioned in clause (a), (c), (d) or (f) of section 13 in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or to the servant of any public carrier,

For secret breaches of sections 4, 5, 6 and 9.

XLV of 1860.

and whoever, on any search being made under section 19, conceals or attempts to conceal any arms, ammunition or military stores,

For concealing arms, etc.

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

15. Whoever in violation of a condition subject to which a license has been granted does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 13 or section 14, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

For breach of license.

16. Whoever knowingly purchases any arms, ammunition or military stores from any person not licensed or authorised under the proviso to section 4 to sell the same; or

For knowingly purchasing arms, etc., from unlicensed persons.

delivers any arms, ammunition or military stores into the possession of any person without previously ascertaining that such person is legally authorised to possess the same,

For delivering arms, etc., to person not authorised to possess them.

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

17. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

Penalty for breach of rule.

18. When any person is convicted of an offence punishable under this Act committed by him in respect of any arms, ammunition or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition or military stores, and any vessel, cart or baggage-animal used to convey the same, and any box, package or bale in which the same may have been concealed, together with the other contents of such box, package or bale, shall be confiscated.

Power to confiscate.

¹ See also Chapter II *supra*, p. 33.

CHAPTER III—BERAR—*contd.***B-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*contd****VII.—Miscellaneous.*

19. Whenever any Magistrate has reason to believe that any person residing within the local limits of his jurisdiction has in his possession any arms, ammunition or military stores for any unlawful purpose, or that such person cannot be left in the possession of any such arms, ammunition or military stores without danger to the public peace,

such Magistrate, having first recorded the grounds of his belief, may cause a search to be made of the house or premises occupied by such person or in which such Magistrate has reason to believe such arms, ammunition or military stores are or is to be found, and may seize and detain the same, although covered by a license, in safe custody for such time as he thinks necessary.

The search in such case shall be conducted by, or in the presence of, a Magistrate, or by, or in the presence of, some officer specially empowered in this behalf by name or in virtue of his office by the Resident at Hyderabad.

20. The Resident at Hyderabad may at any time order or cause to be seized any arms, ammunition or military stores in the possession of any person, notwithstanding that such person is licensed to possess the same, and may detain the same for such time as he thinks necessary for the public safety.

21. The Governor General in Council may from time to time, by notification published in the *Gazette of India*,—

(a) exempt any person by name or in virtue of his office, or any class of persons, or exclude any description of arms or ammunition, or withdraw any part of the Hyderabad Assigned Districts, from the operation of any prohibition or direction contained in this Act; and

(b) cancel any such notification, and again subject the persons or things, or the part of the Hyderabad Assigned Districts comprised therein, to the operation of such prohibition or direction.

22. Every person aware of the commission of any offence punishable under this Act shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information of the same to the nearest

Information to be given regarding offences.

Police-officer or Magistrate, and

every person employed upon any railway or by any public carrier shall, in the absence of reasonable excuse, the burden of proving which shall lie upon such person, give information to the nearest Police-officer regarding any box, package or bale in transit which he may have reason to suspect contains arms, ammunition or military stores in respect of which an offence against this Act has been or is being committed.

23. Where an offence punishable under section 13, clause (f), has been committed within three months from the date on which this Act comes into force in any place to which section 32, clause 2, of Act XXXI of 1860 applies

Sanction required to certain proceedings under section 13, clause (f).

¹ See also Chapter II *supra*, p 33.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Arms Act, 1878—*concl'd.***

at such date, or where such an offence has been committed in any part of the Hyderabad Assigned Districts not being such a place, no proceedings shall be instituted against any person in respect of such offence without the previous sanction of the Deputy Commissioner of the district.

X of 1882.

24. Where a search is to be made under the ²Code of Criminal Procedure, 1882, Searches in the case of offences in the course of any proceedings instituted in re- against section 13, clause (f), how spect of an offence punishable under section 13, conducted. clause (f), such search shall, notwithstanding anything contained in the said Code, be made in the presence of some officer specially appointed by name or in virtue of his office by the Resident at Hyderabad in this behalf, and not otherwise.

25. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Act or the rules made under it, or from being liable under such other law to any higher punishment or penalty than that provided by this Act: provided that no person shall be punished twice for the same offence.

26. The Resident at Hyderabad may, from time to time, by notification in the local official Gazette, direct a census to be taken of all fire-arms in any local area, and empower any person by name or in virtue of his office to take such census.

On the issue of any such notification, all persons possessing any such arms in such area shall furnish to the person so empowered such information as he may require in reference thereto, and shall produce such arms to him if he so requires.

Any person refusing or neglecting to produce any such arms when so required shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

27. No proceeding other than a suit shall be commenced against any person for anything done in pursuance of this Act without having given him at least one month's previous notice in writing of the intended proceeding and of the cause thereof, nor after the expiration of three months from the accrual of such cause.

[See *Gazette of India*, 1894, Pt. I, p. 309.]

The Destruction of Records Act, 1879 (III of 1879).

No. 227-I.J., dated the 15th August, 1879.—The Governor General in Council III of 1879. is pleased to extend Act No. III of 1879 (*An Act to authorize the Destruction of Useless Records*), to the Hyderabad Assigned Districts, subject to certain omissions and modifications which are requisite to adapt it to those districts.

¹ See also Chapter II *supra*, p. 33.

² See now Act V of 1898, which is in force in these Districts.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Destruction of Records Acts, 1879 (III of 1879)—*contd.***

The Act, as adapted to the Hyderabad Assigned Districts, is as follows:—

Whereas it is expedient to provide for the destruction or other disposal of useless records, books and papers in Courts and Revenue offices; It is hereby enacted as follows:—

Preamble.

Short title.

Commencement.

1. This Act may be called "The Destruction of Records Act, 1879"; and it shall come into force at once.

2. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of his Court, or the Courts of civil and criminal jurisdiction subordinate thereto, as he may consider useless or unworthy being permanently preserved.

3. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or in the custody of the Revenue Courts and offices as he may consider useless or unworthy of being permanently preserved.

4. All rules made under this Act shall, after being sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

5. All rules and orders heretofore made by the Resident at Hyderabad for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue office shall be deemed to have had the force of law from the date on which they were made, and all such rules now in force shall continue to have the force of law until they are rescinded by rules made under this Act; and no suit or other proceedings shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books and papers in accordance with any such rules or with any order made by the Resident at Hyderabad.

6. Nothing herein contained shall be deemed to authorize the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

[See *Gazette of India*, 1879, Pt. I, p. 559.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Local Authorities Loan Act, 1879 (XI of 1879).**

No. 3143-J., dated the 2nd September, 1886.—The Governor General in Council is pleased to extend to the Hyderabad Assigned Districts the provisions, so far as they may be applicable, of the Local Authorities Loan Act, 1879, as amended by Act XV of 1885.

[See *Gazette of India*, 1886, Pt. I, p. 513.]

The Glanders and Farcy Act (XX of 1879).

No. 2803-I.B., dated the 3rd September, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Glanders and Farcy Act, XX of 1879, to the Hyderabad Assigned Districts:

Provided that for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Hyderabad Assigned Districts may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court:

Provided also that references to the Local Government shall be read as referring to the Resident at Hyderabad, and references to British India or territories subject to a Local Government, as referring to the Hyderabad Assigned Districts.

[See *Gazette of India*, 1896, Pt. I, p. 672.]

The District Delegates Act, 1881 (VI of 1881).

No. 220-I.J., dated the 4th November, 1881.—The Governor General in Council is pleased to extend Act VI of 1881 (The District Delegates Act, 1881,) to the Hyderabad Assigned Districts, subject to the following modifications:—

In section 1, for the words "British India" and the word "April" read the words "the Hyderabad Assigned Districts" and the words "December 1st" respectively; and in section 2, for the words "High Court" read the words "the Court of the Resident at Hyderabad."³

Omit the proviso to section 2.

[See *Gazette of India*, 1881, Pt. I, p. 540.]

The Indian Factories Act, 1881 (XV of 1881).

No. 207-I., dated the 16th January, 1884.—The Governor General in Council is pleased to extend the provisions of the Indian Factories Act, 1881, to the Hyderabad Assigned Districts with effect from the 1st day of January, 1884, subject to the following modifications, namely:—

1. For the words "Local Government," wherever they occur, read the words "Resident at Hyderabad."

¹ See also Chapter II *supra*, p. 33.

² Repealed in British India by the Glanders and Farcy Act, 1899 (XIII of 1899).

³ Read now "Court of the Judicial Commissioner," see s. 4 (3) of the Hyderabad Assigned Districts Courts Law, 1889, printed *supra*, p. 59.

⁴ See also Notification No. 4043-I., dated the 2nd October, 1891, printed *infra*, p. 122.

CHAPTER III.—BERAR—*contd.***B -British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Indian Factories Act, 1881—*concl'd.***

2. For the second paragraph of section 1, *read* the following paragraph:—
“It applies to the Hyderabad Assigned Districts.”
3. In the first paragraph of section 3, *for* the word “it” *read* “he” and *for* the word “its” *read* the word “his.”
4. In the third line of section 11, *for* the words “such Government” *read* the words “Resident at Hyderabad.”
5. In the last paragraph of section 12, *for* the word “it” *read* the word “he.”
6. In section 19, *for* the word “Crown” *read* the word “Government.”

[See *Gazette of India*, 1884, Pt. I, p. 17.]

The Land Improvement Loans Act, 1883 (XIX of 1883)

No. 4129-I., dated the 22nd December, 1885.—The Governor General in Council is pleased to direct that the Land Improvement Loans Act, 1883, with the exception of section 1, sub-section (2), and section 2, sub-section (1), shall come into force in the Hyderabad Assigned Districts on the first of January, 1886, and that on and from that day the Land Improvement Act, 1871, shall cease to be in force therein except as regards the recovery of advances made on or before the thirty-first day of December, 1885, and interest due on and costs incurred by the Government in respect of these advances.

[See *Gazette of India*, 1885, Pt. I, p. 685.]

The Explosives Act, 1884 (VIII of 1884).

No. 4742-I., dated the 4th November, 1887.—The Governor General in Council is pleased to extend to the Hyderabad Assigned Districts the provisions, so far as they may be applicable, of the Indian Explosives Act, IV of 1884, subject to the following modifications, namely:—

- (a) In section 1, sub-section (2), *for* the words “whole of British India” the words “Hyderabad Assigned Districts” shall be read.
- (b) In section 2, sub-section (1), *for* the words “on such day as the Governor General in Council by notification in the *Gazette of India* appoints” the words “on the first day of January, 1888” shall be read.
- (c) In section 4, sub-section (6), *for* the words “British India by sea or land” the words “the Hyderabad Assigned Districts” shall be read.
- (d) For the first thirty-six words of section 5, sub-section (1), the words “The Resident at Hyderabad, with the previous sanction of the Governor General in Council, may” shall be read.

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.*****(1)-Acts of the Governor General in Council—*contd.*****The Explosives Act, 1884—*contd.***

- (e) In section 7, sub section (1), for the words "Governor General in Council or the Local Government" and in section 9, sub-section (1) for the words "Local Government" the words "Resident at Hyderabad" shall be read.
- (f) For section 18, sub-section (5), the following shall be read, namely:—
" (5) A rule made under this Act shall not take effect until it has been published in the Hyderabad Residency Orders."
- (g) In section 18, sub-section (6), for the word "Gazette" the word "Hyderabad Residency Orders" shall be read.
- (h) The following shall be omitted:—

Section 3; in section 6, sub-section (2); in section 9, sub-section (3); section 11; in section 13 the words "or port", "ship" and "of conservator of the port"; and section 15.

[See *Gazette of India*, 1887, Pt. I, p. 567.]

The Agriculturists' Loans Act, 1884 (XII of 1884).

No. 3913-I., dated the 23rd September, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts section 1, sub-section (1), and sections 4 and 5 of the Agriculturists' Loans Act (XII of 1884) subject to the following modifications in section 4, namely:

- (1) For "Local Government" read "Resident at Hyderabad," and
- (2) For "Local Official Gazette" read "Residency Orders."

[See *Gazette of India*, 1891, Pt. I, p. 552.]

The Local Authorities Loan Act (1879) Amendment Act 1885 (XV of 1885).

No. 3143-I., dated the 2nd September, 1886.—printed *supra*, p. 116.

The Indian Tramways Act, 1886 (XI of 1886).

No. 1620-I.B., dated the 16th June, 1899.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Indian Tramways Act, 1886 (XI of 1886), to the Hyderabad Assigned Districts, so far as they may be suitable:

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Hyderabad Assigned Districts may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court:

Provided, also, that all references to the Local Government shall be read as referring to the Resident at Hyderabad.

[See *Gazette of India*, 1890, Pt. I, p. 474.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.***(1)-*Acts of the Governor General in Council—contd.*]**The Petroleum Act, 1886 (XII of 1886).**

No. 3447-I.B., dated the 6th November, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the ²Petroleum Act (XII of 1886) to the Hyderabad Assigned Districts :

Provided that, for the purpose of facilitating the application of the provision of the enactment hereby applied, any Court in the Hyderabad Assigned Districts may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court :

Provided, also, that references to Local Government shall be read as referring to the Resident at Hyderabad, and references to British India or territories subject to a Local Government as referring to the Hyderabad Assigned Districts.

Provided, further, that, with reference to the provisions of section 26 of the Enactment hereby applied, the Resident at Hyderabad shall, before making rules under the Act so applied, publish a draft of the proposed rules in the Hyderabad Residency Orders in English and such other language or languages as he may consider necessary.

II. The Notification of the Government of India in the Foreign Department, No.432-I., dated the 3rd May, 1894, is hereby cancelled, in so far as it relates to railway lands in the Hyderabad Assigned Districts.

[See *Gazette of India*, 1896, Pt. I, p. 894.]

Military Courts of Requests Abolition Act, 1887 (VIII of 1887).

No. 4586-I., dated the 21st November, 1888.—Whereas the Governor General in Council has power and jurisdiction within the Hyderabad Assigned Districts : In exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to extend the provisions, so far as they may be applicable, of the following enactments to the Hyderabad Assigned Districts, namely :—

* * * * *

Act VIII of 1887, abolishing Military Courts of Requests as established by Indian Military Law.

* * * * *

[See *Gazette of India*, 1888, Pt. I, p. 529.]

The Measures of Length Act, 1889 (II of 1889).

No. 3268-I., dated the 1st October, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI

¹ See also Chapter II *supra*, p. 33.

² Repealed in British India by Act VIII of 1899

³ The entries here omitted relate to Acts IV and VII of 1836 and Acts VI and VII of 1888. The notification was superseded, so far as it affects these Acts, by Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council.—contd.***The Measures of Length Act, 1889 (II of 1889)—*contd.***

of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act II of 1889 (the Measures of Length Act, 1889,) to the Hyderabad Assigned Districts.

[See *Gazette of India*, 1890, Pt. I, p. 720].

The Merchandise Marks Act, 1889 (IV of 1889).

No. 3530-I, dated the 24th October, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of the Indian Merchandise Marks Act, IV of 1889 (except sections 10, 11, 13 and 19), to the Hyderabad Assigned Districts, subject to the following modification :—

In section 16, sub-section (1), for the words “ Governor General in Council ” and the words “ *Gazette of India* and in local official Gazettes,” the words “ Resident at Hyderabad ” and “ Residency Orders ” shall respectively be read.

[See *Gazette of India*, 1890, Pt. I, p. 766.]

The Revenue Recovery Act, 1890 (I of 1890).

No. 1415-1., dated the 30th April, 1890.—printed *infra*, p. 705.

The Indian Railways Act, 1890 (IX of 1890).

No. 1332-I., dated the 23rd March, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions, so far as they may be suitable, and as amended for the time being by subsequent enactments, of the Indian Railways Act (IX of 1890), subject to the modification that references to a Local Government shall be construed as referring to the Resident at Hyderabad.

2. In exercise of the power conferred by section 144 of the said Indian Railways Act, the Governor General in Council is pleased to delegate to the Resident at Hyderabad, to the extent and subject to the conditions hereinafter specified, the following powers and functions, which are now vested in him under the said Act; the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor General in Council may from time to time think fit :—

- (1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions will not entail any expenditure in excess of the general powers of sanction of the Resident.

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Indian Railway Act, 1890 (X of 1890)—*concl'd.***

(2) *Section 48.*—All the powers and functions of the Governor General in Council only in cases where the Railways concerned are under the control of the Resident.

(3) *Section 51, clauses (a), (b), (c), (d), and (e) and section 55.*—All the powers and functions of the Governor General in Council.

(4) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.

(5) *Section 83.*—The power of notifying the Magistrates and Police-officers to whom notices of railway accidents are to be given.

3. The Notification of the Government of India in the Foreign Department, No. 136-I.J., dated the 10th June, 1879, is hereby cancelled.

[See *Gazette of India*, 1891, Pt. I, p. 355.]

The Press and Regulation of Books Act (1867) Amendment Act, 1890 (X of 1890).

No. 3661-I., dated the 31st October, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply, so far as they may be suitable, the provisions of Act X of 1891, amending Act XXV of 1867 (an Act for the Regulation of Printing Presses and Newspapers, for the Preservation of Copies of Books printed in British India and for the Registration of such Books), to the Hyderabad Assigned Districts, subject to the following modifications :

For the words “Local Government,” wherever they occur, the words “Resident at Hyderabad” shall be read.

[See *Gazette of India*, 1890, Pt. I, p. 776.]

The Census Act, 1890 (XVII of 1890).

³ *No. 337, dated the 22nd January, 1891.*—See *Gazette of India*, 1891, Pt. I, p. 56.

The Indian Christian Marriage Act (1872) Amendment Act 1891 (II of 1891).

No. 2545-I., dated the 18th June, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act II of 1891

¹ See also Chapter II *supra*, p. 33.

² These short titles were given by the Indian Short Titles Act, 1897 (XIV of 1897), which is in force in these Districts in virtue of Notification No. 181-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

³ This notification is not reproduced, as the Census Act, 1890 (XVII of 1890), is silent.

CHAPTER III.—BERAR—*cont'd.***B.-British -Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*cont'd.****(1)-Acts of the Governor General in Council—contd.***The Indian Christian Marriage Act (1872) Amendment Act, 1891—*concl'd.***

(*an Act to amend the Indian Christian Marriage Act, 1872*), to the Hyderabad Assigned Districts, subject to the following modifications :

- (1) In section 6 of the Indian Christian Marriage Act, 1872, as substituted by section 1, sub-section (1), of Act II of 1891, for the words "Local Government," "its," and "Local Official Gazette," the words "Resident at Hyderabad," "his," and "Hyderabad Residency Orders" shall respectively be read.
- (2) In section 62, sub-section (1), of the Indian Christian Marriage Act, 1872, as substituted by section 4 of Act II of 1891, for the words "Local Government by which he was licensed," "Local Government," and "that Government" the words "Resident at Hyderabad," "Resident" and "the Resident" shall respectively be read.
- (3) Section 62, sub-section (2), of the Indian Christian Marriage Act, 1872, as substituted by section 4 of Act II of 1891, shall be omitted.
- (4) In section 4, sub-section (2), of Act II of 1891, for the words "section 30 of the Births, Deaths, and Marriages Registration Act, 1886," the words "section 28 of the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888," shall be read.

[See *Gazette of India*, 1891, Pt. I, p. 355.]

The Indian Factories Act, 1891 (XI of 1891).

No. 4043-I., dated the 2nd October, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the Indian Factories Act (XI of 1891) to the Hyderabad Assigned Districts, subject to the following modifications, *viz.* :—

- (1) For "Local Government," wherever those words occur, read "Resident at Hyderabad."
- (2) In that portion of section 10 which substitutes a new section for section 9 of Act XV of 1881, for "such Government" read "the Resident."
- (3) In that portion of section 16 which substitutes a new sub-section (4) in section 18 of Act XV of 1881, omit "its or."
- (4) For the words "official Gazette," wherever they occur in this Act and in the Indian Factories Act (XV of 1881), read "Hyderabad Residency Orders."

[See *Gazette of India*, 1891, Pt. I, p. 564.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.*

The Repealing and Amending Act, 1891 (XII of 1891) so far as it affects the Registration Act, 1877 (III of 1877).

* No 15-I., dated the 1st January, 1892.—See *Gazette of India*, 1892, Pt. I, p. 24.

The Land Acquisition Act, 1894 (I of 1894).

No. 1204-I., dated the 12th April, 1894.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Act I of 1894 (The Land Acquisition Act, 1894,) to the Hyderabad Assigned Districts, subject to the following modifications, namely :—

- (1) For the words “Local Government” and “official Gazette,” or “local official Gazette,” wherever they occur in the Act, the word “Resident at Hyderabad” and “Hyderabad Residency Orders” respectively shall be read.
- (2) In section 1, the sub-sections (2) and (3) shall be omitted.
- (3) In section 2, the words “and section 74 of, the Punjab Courts Act, 1884,” shall be omitted, and for the word “are” in the same section the word “is” shall be read.
- (4) In section 4, sub-section (2), for the words “such Government,” the words “the Resident at Hyderabad” shall be substituted.
- (5) In section 6, for the words “a Secretary to such Government” the words “the Secretary for Berar to the Resident at Hyderabad” shall be read.
- (6) In section 47, the words “or (within the towns of Calcutta, Madras, and Bombay) to the Commissioner of Police” and the words “or Commissioner (as the case may be)” shall be omitted.
- (7) In section 54, for the words “High Court” the words “Judicial Commissioner, Hyderabad Assigned Districts,” shall be substituted.

2. So much of the Notification of the Government of India in the Foreign Department, No. 212-J., dated the 24th October, 1873, as applied the Land Acquisition Act (X of 1870) to the Hyderabad Assigned Districts, and the Notification of the said Government in the same Department, No. 209-I.J., dated the 20th October, 1881, are hereby cancelled.

[See *Gazette of India*, 1894, Pt. I, p. 395.]

¹ See also Chapter II *supra*, p. 33.

² The Indian Registration Act, 1877 (III of 1877), as it stood on the date of that Notification, that is, embodying the amendments made by the Repealing and Amending Act, 1891 (XII of 1891), is in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July 1898 (see *supra*, p. 39) ; for this reason the Notification applying Act XII of 1891, so far as it affects Act III of 1877, is not reproduced here.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—contd.***The Prisons Act, 1894 (IX of 1894).**

No. 2156-I., dated the 27th June, 1894.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Prisons Act (IX of 1894) to the Hyderabad Assigned Districts, subject to the following modifications:—

- (1) Sub-sections (2) and (4) of section 1, the proviso to section 6, the words “or a prison situated in a Presidency-town” in sub-section (2), of section 11, and the words “The Governor General in Council may for any part of British India, and” in section 59, shall be omitted.
- (2) For the words “a Local Government” and “the Local Government,” wherever they occur, and the words “each Local Government” in section 59, the words “the Resident at Hyderabad” shall be substituted.
- (3) For the words “the Inspector-General of Prisons” in section 3 (7), the words “the Inspector-General of Jails, Hyderabad Assigned Districts,” shall be substituted.
- (4) For the words “British India” in the preamble and in section 59 clause (8), the words “territories under such Government” in sections 4 and 5, the words “the territories subject to each Local Government” in section 5, and the words “the territories under its administration” in section 59, the words “the Hyderabad Assigned Districts” shall be substituted.

2. So much of the Notification of the Government of India in the Foreign Department, No. 212-J., dated the 24th October, 1873, as applied the Prisons Act (XXVI of 1870) to the Hyderabad Assigned Districts is hereby cancelled.

[See *Gazette of India*, 1894, Pt. I, p. 395]

² The Police Act (1861) Amendment Act, 1895 (V of 1895).

No. 2656-I.B., dated the 21st August, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Act VIII of 1895 (an Act to amend Act V of 1861) to the Hyderabad Assigned Districts:

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Hyderabad Assigned Districts may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court:

Provided also that references to the Local Government shall be read as referring to the Resident at Hyderabad, and references to British India or territories subject to a Local Government as referring to the Hyderabad Assigned Districts.

[See *Gazette of India*, 1896, Pt. I, p. 626.]

¹ See also Chapter II *supra*, p. 33.

² This short title was given by the Short Titles Act, 1897 (XIV of 1897), which is in force in these Districts in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(1)-Acts of the Governor General in Council—concl'd.***The Cotton Duties Act, 1896 (III of 1896).**

No. 476-I., dated the 3rd February, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Cotton Duties Act, 1896, to the Hyderabad Assigned Districts, so far as they may be suitable :

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Hyderabad Assigned Districts may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court :

Provided, also, that references to the Local Government shall be read as referring to the Resident at Hyderabad, and references to British India as referring to the Hyderabad Assigned Districts.

[See *Gazette of India*, 1896, Pt. I, p. 84.]

• **The Glanders and Farcy Act (1879) Amendment Act, 1896 (XV of 1896).**

No. 3441-I.B., dated the 9th September, 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, and in continuation of the Notification of the Government of India in the Foreign Department, No. 2803-I.B., dated the 3rd September, 1896, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions of the Glanders and Farcy Act (1879) Amendment Act, 1896.

[See *Gazette of India*, 1897, Pt. I, p. 835.]

The Epidemic Diseases Act, 1897 (III of 1897).

No. 443-I.A., dated the 4th February, 1897.—printed *infra*, p. 707.

For other Acts of 1897 and 1898 in force in these Districts, see Notification No. 1811-I.B., dated the 1st July, 1898.—printed *supra*, p. 39.

*(2)-Acts of the Governor of Bombay in Council.***(Bombay Boiler Inspection Act, 1891. (Bombay Act II of 1891).**

No. 401-I., dated the 31st January, 1893.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of

¹ See also Chapter II *supra*, p. 33.

² These two Acts are repealed in British India by the Glanders and Farcy Act, 1899 (XIII of 1899).

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.*****(2)—Acts of the Governor of Bombay in Council—*contd.*****Bombay Boiler Inspection Act, 1891 (Bombay Act II of 1899)—*concl'd.***

1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of Bombay Act II of 1891 (the Bombay Boiler Inspection Act, 1891,) to the Hyderabad Assigned Districts, subject to the following modifications, namely :—

- (1) For the words "the Governor in Council," "Government," and "the Government," wherever they occur, read "the Resident at Hyderabad," and for the word "Collector," wherever it occurs, read "Deputy Commissioner."
- (2) In section 1, sub-section (2), omit the words and figures from "in the city" to the end.
- (3) In section 2, subsection (2), omit the words and figures "or under the Boiler Inspection Act, 1873."
- (4) In section 8, omit the words from "if it be situate" in sub-section (1) to "give notice" in sub-section (3), and omit sub-section (5).
- (5) In section 10, sub-section (3), omit the words "Except as is otherwise provided in sub-section (5) of section 8."
- (6) In section 12, sub-section (1), omit the words from "within four days" to "City of Bombay, and" and the words "if the boiler be situated elsewhere."
- (7) In section 17, sub-section (4), omit the words "Elsewhere than in the City of Bombay;" and in section 17, sub section (5), for "persons" read "person," and for a "are, in the City of Bombay, the Inspector and elsewhere" read "is."
- (8) In section 18, sub section (1), omit the words "any Presidency Magistrate in the City of Bombay, or by", the word "elsewhere" and the words "Magistrate or."
- (9) In section 24, sub section (3), for "Presidency of Bombay" read "Hyderabad Assigned Districts."
- (10) In section 28, clause (c), omit the words "to the inspector."
- (11) In section 32, omit the words from "in the city" to "and elsewhere."
- (12) Omit sections 34 and 37.
- (13) In section 35, clause (a), for "Collectors" read "Deputy Commissioners."
- (14) In the concluding paragraph of section 35, for "*Bombay Government Gazette*" read "*Residency Orders*."

2. The Notification of the Government of India in the Foreign Department, No. 175-I., dated the 13th January, 1884, is hereby cancelled.

[See *Gazette of India*, 1893, Pt. I, p. 57.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(2)-Acts of the Governor of Bombay in Council—contd.***Bombay Boiler Inspection Act Amendment Act, 1897 (Bombay Act II of 1897).**

No. 2388-I.B., dated the 18th August, 1899.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Hyderabad Assigned Districts the provisions of Bombay Act II of 1897 (*an Act to amend the Bombay Boiler Inspection Act, 1891*), in the modified form hereinafter set forth, namely :

Whereas it is expedient to amend the Bombay Boiler Inspection Act, 1891, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 401-I., dated the 31st January, 1893, in manner hereinafter appearing ; It is enacted as follows :

Bo Act II
of 1891.

1. In the Bombay Boiler Inspection Act, 1891, as applied to the Hyderabad

Bo. Act II
of 1891.

Addition to section 2.

Assigned Districts (hereinafter called the said Act), to section 2 thereof the following shall be

added, and shall be deemed to have been always contained therein, *viz.*,—

“(3) And all rules and appointments made, notifications published, and powers conferred under the Bombay Boiler Inspection Act, 1887, and in force at the date of this Act coming into force, shall, so far as they are not inconsistent with this Act, be deemed to have been respectively made, published, and conferred hereunder.”

Bo. Act III
of 1887.2. (1) In sub-section (1) of section 6 of the said Act before the word “It” there shall be inserted the following, *viz.*,—

Amendment of section 6.

“Subject to the provisos in sub-section (2).”

(2) For sub-section (2) of the same section there shall be substituted the following, *viz.*,—

“(2) Provided that—

“(e) in the case of a boiler in respect of which no certificate has been previously granted, the Inspector shall, if he is unable to issue a certificate at once, grant to the owner, within 48 hours next after his examination of the boiler, a provisional order in writing specifying the pressure at which such boiler may, in his opinion, pending the issue or refusal of a certificate, be worked ; and, subject to the provisions of clause (d) of sub-section (1), it shall be lawful for the owner to work the boiler in accordance with such provisional order until a certificate in respect thereof has been granted or refused ;

Proviso as to new boilers.

“(f) subject to the provisions of clause (d) of sub-section (1), the owner of a boiler who holds in respect thereof a certificate as required by sub-section (1), and who before the expiry of the period of such certificate gives notice of his intention to continue to use the boiler after the expiry of the said period, may, unless after examining the boiler the Inspector by an order in writing directs that its use be entirely discontinued, continue to use the boiler or to permit the use thereof until a renewed certificate has been granted or refused, but shall not use the boiler or permit the use thereof at any pressure higher—

“(i) than that allowed by the expired certificate, or

Proviso as to certificated boilers.

“(ii) than that allowed by any provisional order given in writing by the Inspector after examining the boiler ;

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1-(a) Notifications applying British-Indian Enactments—*contd.***(2) *Acts of the Governor of Bombay in Council—contd.***Bombay Boiler Inspection Act Amendment Act, 1879 (Bombay Act II of 1897).**

“(g) a person employed to manage and be in charge of not more than two sets of boilers belonging to the same owner, and so situated that no one of them is more than a thousand feet apart from any other of them, may, notwithstanding their distance from each other, be deemed to be employed in direct and immediate management and charge of all such boilers.”

(3) And the following shall be added as sub-section (3), *viz.*,—

“(3) No provisional order granted under this section shall have any force in respect of any boiler after a certificate or a renewed certificate has been either granted or refused in respect of such boiler, or after the receipt by the owner of such boiler from the Deputy Commissioner, or from any person generally or specially empowered in writing by the Deputy Commissioner, in this behalf, of a requisition in writing for the surrender of such provisional order.”

3. In section 11 of the said Act after the words “applied for” there shall be inserted the following, *viz.*,—

“or for the pressure desired.”

4. In sub-section (2) of section 12 of the said Act after the words “twelve months” there shall be inserted the following, *viz.*,—

“and for such pressure.”

In section 16 of the said Act—

(a) in place of the words “a certificate has been granted under section 10, 12 or 14” there shall be substituted the following, *viz.*,—

“a provisional order under sub-section (2) of section 6, or a certificate under section 10, 12 or 14 has been granted, and”

(b) between the words “such” and “certificate” next occurring in the same section there shall be inserted the following, *viz.*,—

“provisional order or.”

6. (1) In sub-section (1) of section 18 of the said Act before the word “certificate” in the two places in which it occurs there shall be inserted the following, *viz.*,—

“provisional order or.”

(2) For sub-section (2) of the same section there shall be substituted the following, *viz.*,—

“(2) A person who becomes owner of a boiler during the period for which a provisional order or certificate therefor is in force, shall be entitled to receive the provisional order or certificate from the preceding owner, and shall be subject to the provisions of sub-section (1).”

¹ See also Chapter II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(a) Notifications applying British-Indian Enactments¹—*contd.****(2)-Acts of the Governor of Bombay in Council—concl'd.***Bombay Boiler Inspection Act Amendment Act, 1897 (Bombay Act II of 1897)**
—*concl'd.*

Addition to section 24.

7. To sub-section (3) of section 24 of the said Act there shall be added the following, *viz.*,—

“Upon the issue of such notification it shall be competent to the Resident at Hyderabad to cancel the certificate of such Engineer :

“Provided that the Resident at Hyderabad may at any time, upon such Engineer satisfactorily explaining such failure or withdrawal, revoke any such order of cancellation, and re-grant to such Engineer without examination the certificate so cancelled.

“And a certificate so re-granted shall have the same effect as if it had been granted after examination.”

8. In clause (b) of section 28 of the said Act before the word “certificate” there shall be inserted the following, *viz.*,—

“provisional order or.”

9. (1) In clause (a) of sub-section (1) of section 29 of the said Act, before the word “certificate” there shall be inserted the following, *viz.*,—

“provisional order or.”

(2) In clause (c) of sub-section (1) of the same section—

before the word “certificate” there shall be inserted the following, *viz.*,—

“provisional order or.”

Addition to clause (d) of section 35.

10. To clause (d) of section 35 of the said Act there shall be added the following, *viz.*,—

“and prescribing also the fees to be paid for the duplicate certificates furnished under section 26.”

[See *Gazette of India*, 1899, Pt. I, p. 769.]

1.-(b) Special Local Laws.

Rules for the Settlement of Jagir and Inam Claims, whether in money or land, both personal and service and for the maintenance of religious and charitable institutions in the Hyderabad Assigned Districts—(Berar Inam Rules).

Rule I.

1. Land which is proved to have been held as Inam, either under a fixed quit-rent or rent-free for a period of 40 years before the cession, shall be treated as Inam possessed under a valid title.

2. All grants of land or money supported by sanads granted by Sovereign Powers, such as the Kings of Delhi, or Rulers of Satara, Scindia, Nagpur, and by the Nizam, as also the sanads of the Nizam's Ministers from time to time, with the

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Inam Rules—*contd.***

exception of sanads granted by Maharajah Chundoo Lall from Fasli 1250 (1840) to 1252 (1842) inclusive, and of Rajah Ram Baksh¹ and Siraj-ul-mulk² during their second ministries specially disallowed, shall be held to be valid when duly authenticated; but grants of land or money by Revenue Authorities of any degree shall, as a rule, be considered invalid, and such grants shall only be allowed under Rules in respect of possession as below specified.

3. If Inams are held under sanad or other title deed, the same to be examined. In the absence of such proof, entries in the village accounts, and the oral testimony on oath or solemn affirmation of the village authorities and old resident inhabitants should be accepted as proof. Uninterrupted possession must be proved, or the intermediate resumption of the Inam must be proved to have been unauthorized, or that the Inam was subsequently released under due authority.

Rule II.

1. After the validity of the Inam has been proved, each case will be disposed of as hereinafter explained, according as it belongs to one of the following classes :—

CLASS 1ST.—Personal Jagirs.

CLASS 2ND.—Grants or endowments to religious or charitable institutions, and for service therein.

CLASS 3RD.—Personal or subsistence grants.

CLASS 4TH.—Grants by former Governments for Service—

First.—As Pargannah service grants, whether by money or land, whether now rendered, or partially rendered, or discontinued.

Second.—As village service grants, whether in money or land, for service now performed in the Revenue or Police or discontinued.

CLASS 5TH.—Inams or huqs enjoyed by artizans and others for services rendered to the village communities, such as carpenters, blacksmiths, barbers, priests, dthers, etc.

Rule III.

1. Personal Jagirs to be continued, subject to a legacy duty or succession fee graduated on a scale according to the degree of relationship of the heir, as follows :—

Widows, lineal heirs, or undivided brothers, 2 per cent. on the real value of the property estimated at 10 years' annual rental.

Heirs by adoption 3 per cent.

Collateral heirs of one remove 5 „

Do. do. two removes 8 „

And further degrees of relationship disallowed except under special orders.

¹ 13th September, 1849, to 7th October, 1850.

² 29th June, 1851, to 26th May, 1853.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1-(b) Special Local Laws—*contd.*Berar Inam Rules—*contd.**Rule IV.*

1. If the Inam was given for religious or charitable objects, such as for the support of temples, mosques, colleges, choultries, or other public buildings or institutions, or for service therein, whether held in the names of the institutions, or of the persons rendering the service, it will be continued to the present holders and their successors so long as the buildings or institutions are maintained in an efficient state, and the service continued to be performed according to the conditions of the grant.

2. Inams granted for the construction and repair of tanks, channels, drinking reservoirs, etc., will not be interfered with so long as the terms of the grant are fulfilled, and the works are kept in good order, but on failure of conditions are liable to resumption.

Rule V.

1. If the Inam is a personal or subsistence grant, it will be confirmed to the holder according to its actual tenure, and the terms upon which an Inam liable to quit-rent, or terminable, may be converted into a freehold and made perpetual, are stated below

2. If the present incumbent is a descendant of the original grantee, the Inam will be continued to him hereditarily, subject to the following conditions:—

First.—Successions limited to direct lineal heirs and undivided brothers ;

Second.—The Inam escheats to Government on failure of such heirs ;

Third.—Future alienation of the Inam is prohibited ; and

Fourth.—The right of adoption to an Inam is not recognized.!

3. But an option will be given to the Inamdar to convert this restricted tenure into a freehold, with the full powers of alienation by gift, sale, adoption, or otherwise, by consenting to the payment of an annual quit-rent, calculated according to the following rates:—

First.—If the Inamdar is a youth, with reasonable prospect of having lineal heirs, an annual quit-rent amounting to one-eighth of the estimated assessment of the land, will be considered a sufficient compromise for the right of reversion possessed by Government.

Second.—If the Inamdar have no lineal heirs, and from his advanced age no heirs could reasonably be expected, but if nevertheless he has terminable heirs such as a wife without issue, or a widowed daughter without issue, in such case the quit-rent shall be equal to one-fourth of the estimated assessment.

Third.—If the Inamdar be not possessed of heirs of any kind, and from his age lineal heirs cannot be expected, the quit-rent of one-half of the assessment will be demanded.

4. But the above rates of compromise shall only apply to an immediate settlement, and it will be optional with Government to accept of any future offer on a similar basis.

5. If a present incumbent is not a descendant of the original grantee, but either in his own person or in succession to others acquired the Inam fairly by

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Inam Rules - *contd.**Rule V—contd.*

adoption, or in alienation by gift, purchase, or otherwise, his claim being admitted, he will be allowed the benefits of clause 2, Rule V, but without the option of refusal; and in commutation of the rights of Government, a quit-rent will be imposed on the Inam, varying from one-eighth to one half of the estimated assessment of the land, according to his position in respect of heirs, as laid down in clause 3 of that Rule.

6. As the rates on land have not been positively fixed, it will be competent for the Inam Commissioner, in communication with the Deputy Commissioner of the district, to fix a moderate rate on the land, whether wet or dry, which shall bear a fair proportion to the rate assessed on the Government land of the same village or district.

7. After the amount of an annual quit-rent has been once fixed for the enfranchisement of each individual Inam, it will be open to the holder to redeem it outright by the payment at once, or at any future time of a single fixed sum equal to 20 years' purchase of the quit-rent.

8. The quit-rent, to be imposed under these Rules, being in exchange for extended rights, will be exclusive of, and in addition to, any actual cess on such land already payable to Government, but the quit-rent will be calculated on the estimated assessment after deducting the cess previously payable.

9. Inams heretofore held on quit-rent or other cess will be redeemable by 20 years' purchase of the new and old rates.

10. Inams granted by subordinate Revenue authority without the sanction of Government, and which have not acquired the prescriptive right of uninterrupted possession for 40 years, shall be disposed as follows:—

First.—If the Inam was founded on fraud, it will be resumed, and become liable to full assessment. But if the present incumbent was not a party to the fraud, and has had long possession, though within the prescribed term, he shall be allowed to retain the Inam, liable to an assessment equal to from one-half to two-thirds of the estimated rate.

Second.—It will rest with the Inam Commissioner, or Settlement Officer, or other investigating authority, to determine what is fraudulent possession.

Rule VI.

Service grants how to be limited, and the excess disposed of.

1. Grants by former Governments for service wholly or partially discontinued, either in the Military, Revenue, and Police Departments, shall be disposed of as follows.

2. Inams granted in lieu of lands or money stipends, commonly called Huqs and Russums of offices, such as Deshmukh, Deshpandia, and others, the service of which has either been dispensed with, or otherwise discontinued, shall be disposed of according to clause 2 of Rule V, if they are hereditary in their terms, either by express declaration of Government or by recognized usage.

3. The maximum value of such grants, including every perquisite or profit, whether of land or money, or in kind, shall be limited to 5 per cent. on the gross

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.—(b) Special Local Laws—*contd.*Berar Inam Rules—*contd.*Rule VI—*contd.*

land revenue for both Deshmukh and Deshpandia inclusive, and in such proportion as relates to the two classes, Deshmukhs and Deshpandias, as may have heretofore been enjoyed by each class respectively. But inasmuch as in many instances the service grants to these classes are not equal to 5 per cent., the Inam Commissioner or Settlement Officer has no power to increase the existing grants enjoyed by these parties.

4. It shall be optional with the Government to require the services of these classes as originally intended, or to dispense with them. If wholly dispensed with the Inam shall nevertheless be confirmed to the holders as Inams subject to the payment of a quit-rent, not exceeding the highest rate above provided for personal Inam. This quit-rent will be charged in commutation both of the service thus discontinued, and of the reversionary interest possessed by Government in the Inam.

5. The Government does not admit the right of adoption without special sanction. The rate and mode of commutation will be determined on a consideration of the nature of the service, and the circumstances attending it in each district.

6. If a quit-rent exists already in any form, the mode of calculating the additional charge will be the same provided for in clause 8 of Rule V.

7. Inams held for village officers, for Revenue or Police, the duties of which are still required to be performed, will be continued to the holders of the office unless they have been commuted for money allowances out of the Revenue. Where these Inams or Huqs are excessive in comparison with the duties required, whether in regard to the number employed, as in the case of the village police, or to the amount of the Inam or Huq considered in relation to the work performed, and to

FOR PATELS.			FOR PATWARIS.			the usage in the same or other districts, the excess above certain maximum for village servants to be fixed according to the Khandaish or other rules (<i>vide</i> margin) as may be determined upon, and for Parganah
For	500 Rupees	. 5 per cent.	For	1st 1,000 Rs.	. 5 per cent.	
1st 1,000 "	. 2½ "		2nd 1,000 "	. 4 "		
2nd 1,000 "	. 2 "		3rd 1,000 "	. 3 "		
3rd 1,000 "	. 1½ "		4th 1,000 "	. 2 "		
4th 1,000 "	. 1 "		5,000 and upwards	1 "		
5,000 and upwards	8 As					

* STATIONERY.

* Rule XVII, page 136, *infra*, to be adopted as the principle of calculation for Chullara Kharch and stationery—*vide* Commissioner's letter No. 316, dated 9th March, 1860, and its reply.

servants as fixed by the Government letter No. 4255, dated the 5th November, 1858 (*vide* margin), shall be dealt with as above

Directing that 5 per cent., as a rule, shall be fixed as a maximum for these two classes. provided for, that is to say, will be charged with a quit-rent in commutation both of the service tenure attached to it; and for the reversionary interest of the Government in the Inam.

8. When the Inam attached to the office is wholly or partially in the enjoyment of members of the family who do not perform service, such portion of the alienated Inam as may be considered necessary for the efficient performance of the duties will be attached to the office holders, and the rest treated in the same manner as the excess referred to in the previous clause.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Inam Rules—*contd.**Rule VII.*

1. Inams enjoyed by artizans and others for service rendered to the village communities will be treated as hereditary grants, and confirmed to the holders and their heirs, subject to the continued performance of the particular service for which they were granted; but where the service is no longer required, or the grant is in excess of the service rendered, the case shall be dealt with according to the Rules above prescribed for the imposition of Government quit-rent.

Inams held by artizans and others how to be treated.

Rule VIII.

1. The term Inam is to be understood as applying to all land whether in integral villages or lesser grants held entirely free of land-rent, or on a favourable quit-rent, and will all be disposed of under the above Rules. The claims of Maktadars also although not strictly Inam, when existing for 60 years and upwards, shall be treated as Inam and disposed of under similar Rules.

Explains the term Inam, etc.

Rule IX.

1. The settlement will be made with the head member of the family holding the office or enjoying the Inam, and who will be held alone responsible to Government, and in no case will the Government interfere to compel the actual incumbent of an office to make over any portion of his regulated service grant to other branches of the family, as service grants cannot be divided according to the orders of Government, but rights to land acquired by Pargannah servants as Zemindars, not as Government officials, admit of division according to awards obtained in the regular Civil Courts. The Inam Commissioner or Settlement Officer ought to have nothing to do with such decision or divisions.

The head of the family the Inam-dar.

Settlement to be made with whom, and other points settled.

2. In many instances a single Pargannah is divided into turruffs or other divisions under different designations, and each of such divisions is held by a different Deshmukh and Deshpandia of the same family, and this division has taken place through many generations; in such cases it will be competent for the Inam Commissioner or Settlement Officer to deal with the head of each division. In like manner many large villages are divided into kbails or dimmuts, or under other designation, there being a separate patel or patwari to each of such divisions, and the rights of such village servants will be admitted separately, provided it is not found to be injurious to the public service, or to be attended with internal dissension or increased expense.

3. It will be the duty of the Inam Commissioner or Settlement Officer, in communication with the Deputy Commissioner, to ascertain and decide who is the true Wattandar, Pargannah or village servant at the present time, and to enter the name of each incumbent in a register of each class, which register will hereafter be held to be proof of the holder's claim.

4. Should any actual incumbent Wattandar be unfit for service by reason of age, incapacity, or sex, it shall be competent for such Wattandar to name an efficient agent, with the sanction of the District Officer, and the same shall receive

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Inam Rules—*contd.****Rule IX—contd.*

during the time he discharges the duties, one-half of the profits of the Inam or allowance.

5. It shall be competent for Government hereafter to determine whether grants for Pargannah or village service shall be wholly commuted into land Inams, or wholly into percentage on the revenue payable in money, or partly by Inam and partly by money. But whatever portion is given in rent-free or quit-rent land shall be subject to the Rules above specified.

Rule X.

1. Whereas Deshmukhs, Deshpandias, Quannungoes, Patels, and Patwaris sometimes produce old papers called "Mowazinna," showing that large quantities of land were at distant periods held by their ancestors as Pargannah and village servants, but it is admitted that from time immemorial such land has neither been in the actual possession of present claimants nor their forefathers, nor are they able to point out the boundaries of such pretended grants, nor to produce any actual proof of possession at any time either by tradition or otherwise, it is considered that right to land not under cultivation at the time of the cession, and not known to have been under cultivation as Inam land for ten or more years before the cession, shall be peremptorily disallowed and at once be included in Government land.

Rule XI.

1. When an Inam has to all intents and purposes been entirely abandoned, there being no acknowledged owner in existence, or if being in existence he omits to come forward to claim it—and when the recorded possessor of an Inam fails after due notice to appear to prove his title, or refuses to produce his sanads or other documents—such Inam shall, in the first instance, be placed under attachment by the District Officer, and after the expiration of one year from the date of public notice be held to be liable to full assessment as Government land.

Rule XII.

Encroachments or land in excess of the recorded extent, if proved to be of 40 years' standing, will be dealt with as if it formed part of the original Inam. When of less than 40 years' standing, the excess will be subjected to a quit-rent, to be fixed according to the circumstances and term of possession, but not exceeding two-thirds of the assessment, except in the case of fraud of the actual holder, when the land will be resumed.

Rule XIII.

Inams once registered and admitted in accordance with the foregoing Rules will be subject to no further interference on the part of the Government, except such as may be necessary for the punctual realisation of the Government rent charged thereon, but the Inamdar at his option can avoid any future inter-

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Inam Rules—*contd.**Rule XIII—contd.*

ference by purchasing the fee simple of his land by paying twenty times the amount of the annual quit-rent as above provided.

Rule XIV.

Private Inams thus enfranchised either by the payment of an annual quit-rent or of a single fixed sum equal to 20 years' purchase of the quit-rent, will, like every other description of property, be subject to the jurisdiction of the ordinary course of justice in all questions of disputed rights, succession, etc., and they may be mortgaged, sold, or transferred in any manner at the will and discretion of the Inamdar, subject to the payment of quit-rent if such is not redeemed.

2. But service grants are not liable to be alienated by purchase or otherwise.

Rule XV.

1. On the validity of an Inam being established by enquiry in accordance with the foregoing Rules, a title-deed will be at once furnished to the Inamdar by the Inam Commissioner, or Settlement Officer, acknowledging his title to the Inam on its present tenure, and specifying the terms upon which this tenure may be converted into a freehold. Similar title-deeds should also be issued in cases of money grants continued to claimants.

2. As the size of the bigah, as entered in sanads, and understood in old village papers, varies in different parts of the country, a rule of measurement for the conversion of the bigah into an acre will be furnished to each district after due enquiry.

Rule XVI.

Yeomeahs or pensions in perpetuity as a principle should be disallowed; but inasmuch as they have been under certain circumstances admitted by His Highness the Nizam's Government, it is necessary to continue them in cases where they may be supported by valid sanads as in clause 2, Rule I, and strictly within the conditions of the sanad. It is recommended, however, that, whenever practicable, money pension shall be commuted into land Inams under the Rules hereinbefore specified for Inams.

Rule XVII.

1. Money grants for deostans, teevars, durgahs, oorusses, musjids, village priests, etc., are to be continued if they are properly applied, but to be carefully scrutinised, and all abuses disallowed. These grants are to be included under the term "chillara kharch" in the village expenses, and including "sadar kharch" or "stationery" shall not, on the average, exceed 4 per cent. on the land revenue. These grants also, if practicable, are to be commuted into land grants, and the Government is willing to commute such grants at an advantage to the grantee of 50 per cent. in land above the money grant.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Inam Rules—*contd.****Rule XVIII.*

Money grants for personal subsistence not supported by sanads, or not granted in perpetuity, shall in all cases cease with the death of present incumbent. They may be continued for the present under the following Rules :—

In what cases money grants without sanads are to be admitted.

First—Such claims as were included in the Irsal List of the Native Government, and payable from the Government Treasury, shall be confirmed for life.

Second—All other charitable allowances that are proved to have to been enjoyed for upwards of 24 years before the cession are to be continued during the life-time of the incumbent, and all others resumed.

Rule XIX.

But an exception may be made in cases of extreme destitution, bodily infirmity, old age, or other consideration where the sudden withdrawal of the Government pension might produce starvation. With the exception of such money grants as may be included in the chillara kharch of village expenses, it is intended that this item of expenditure shall, as soon as possible, disappear from the Revenue accounts.

Exceptions.

Rule XX.

1. As laid down in Government letter No. 4255, dated 5th November, 1858, the Inam Commissioner shall enquire into claims to integral villages or estates and detached lands included in the same grant,—and to large money grants, whether the grant had been made for the support of religious or charitable endowments, for service, or other purpose.

Nature of claims to be investigated by the Inam Commissioner and Deputy Commissioners respectively.

2. All petty grants for lands lying within the circle of a village, or if in money, for purposes connected with the management of a village, such as money Russums to village servants, or even to Pargannah officers, as well as all other petty money claims for subsistence or religious purposes, in the shape of assignments on the customs, or on the revenue of any particular village, or on the treasury, shall be enquired into by the Deputy Commissioner. He will be at liberty to employ an Assistant or Extra Assistant as he thinks fit on the primary enquiry, which should be as brief and summary as possible, but he will reserve the decision upon the claims for his own consideration.

Rule XXI.

1. In regard to grants other than for service, the decisions of the Commissioner and the Resident will be final as follows : those of the former in respect of all holdings not exceeding 10 acres,—and those of the latter in respect of those not exceeding 50 acres, provided that the tenure is decided to be exempt from revenue only for the life of the incumbent. If lands to any extent be released in perpetuity, or for more than one generation, the cases must be reported as briefly as possible to the Government of India ; and so also, in order to

Scope of Resident's and Commissioner's authority in the disposal of claims.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Inam Rules—*concl'd.*Rule XXI—*contd.*

meet the requirements of the Account Department, must all cases in which money grants may be continued for religious or charitable purposes.

2. In respect to service grants, the decisions of the Commissioner and the Resident when concurrent respecting the lands held free by the Pargannah and the Village Officers as remuneration for service, and also respecting money allowances received by them on the same account, shall be considered final, provided that the aggregate receipts both from land and money do not exceed the prescribed percentage on the gross revenue of the village or pargannah to which they belong : *viz.*, Deshmukhs and Deshpandias 5 per cent., Patels and Patwaris 6 per cent., Village Watchmen not exceeding 2 per cent.

3. In such cases there is no occasion for each claim being reported in detail to the Government of India, the only thing required being a general report for each district, showing the number of Pargannah and Village Officers in each taluka, the revenue of the taluka, the extent of land with value thereof, and the amount of money enjoyed by these officers respectively.

[See Resident's Book Circular No. XXXVII of 1879.]

Berar Abkari Rules.

PART I.

GENERAL.

CHAPTER I.¹*Definitions.*

1. In these rules the word 'Abkari Officer' includes all Deputy and Assistant Commissioners, Tehsildars, Naib-Tehsildars, Police Officers of a rank not below that of Head Constables, and of all officers of the Excise Department.

'Magistrate' means any person lawfully exercising the powers of a Magistrate of the 1st or 2nd Class as defined by Act X of 1872.²

'Fermented liquors' and 'foreign spirits' shall be deemed to mean, respectively, all kinds of ale, beer, porter and other fermented liquors, and all kinds of spirits manufactured after any process used in any part of Europe, whether imported to or made in Berar.

¹ See foot-note to Chapter III *infra*, p. 140

² This rule was substituted for the original rule by Notification No. 137, dated the 23rd May, 1893, see Hyderabad Residency Orders, 1893, Pt. I, p. 88.

³ See now Act V of 1898, which is in force in Berar in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 33.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.—(b) Special Local Laws—*contd.*Berar Abkari Rules—*contd.*

'Country spirits'	means any kind of spirit manufactured after the native process, and 'tari,' fresh or fermented.
Country spirits.	
Drugs.	'Drugs' includes ganja, bhang, charrus, opium and every preparation or admixture of the same
Retail sale.	'Retail sale' shall be deemed to mean the sale of any quantities of any liquors or drugs as follows:—

In the case of fermented liquors, foreign spirits, liqueurs, and wines, of less than, and of country spirits or drugs not more than, those specified below:—

- (a) Fermented liquors, foreign spirits or wines—two imperial gallons, or one dozen quart bottles.
- (b) Country spirits—one seer.
- (c) Tari—four seers.
- (d) Ganja, bhang, or any admixture or preparation of the same—one quarter of a seer.
- (e) Charrus, or opium, or any preparation or admixture of the same—five tolahs weight.

CHAPTER II.¹*Manufacture and sale of fermented liquors, foreign spirits and wines.*

2. No person shall manufacture or sell any description of fermented liquors or foreign spirits, or shall construct any brewery or distillery for the manufacture of the same, without a special license from the Deputy Commissioner of the district; such license shall not be current until conditions attached thereto shall have been submitted to, and approved of by, the Resident, who may revise such conditions as he may deem proper.

3. A license for wholesale vend shall be current only for the official year in which it is granted, and shall be chargeable with a fee of 16 rupee.

A license for retail sale shall be current only for the official year in which it is granted, and shall be chargeable with a fee of not less than 100 rupees.

The amount of the fees chargeable may, from time to time, be altered by the Resident.

No person shall have a claim to any refund on account of relinquishment of his license, and no part of any fee shall be refunded on such account except with the sanction of the Commissioner of the Division.

Exception I.—A travelling merchant may take out a general license authorizing him to sell by wholesale in any district which he may visit without taking out a fresh license for that district, under such rules and restrictions as the Resident may, from time to time, prescribe.

¹ Chapter II is repealed by the Berar Excise Law, 1897, in such portions of the Hyderabad Assigned Districts to which that law has been extended.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Abkari Rules—*contd*

Exception 2.—Persons taking out a retail license late in the official year may obtain such diminution in the amount of their fee as shall appear proper to the Deputy Commissioner with the sanction of the Commissioner.

4. Except for the supply of licensed vendors, country spirits and drugs shall not be sold in larger quantities than are specified under section 1 as coming within the meaning of the words 'retail sale.'
- Sales of more than specified quantities.

CHAPTER III.¹*Manufacture and sale of country spirits and drugs.*

5. No person shall manufacture or sell any country spirits or drugs in any district without a license from the Deputy Commissioner of the district, except as hereafter provided for in the case of Sub-Contractors and pass-holders.
- Manufacture and sale of country spirits and drugs.

6. The Resident may, from time to time, make rules for the regulation of the licenses and passes to be granted for the manufacture, sale, purchase, possession, transport, and storage of country spirits and drugs, and the conditions attached thereto.
- Rules respecting manufacture and sale.

7. It shall be lawful for the Resident to suspend by public notification in any district or part of a district the operation of any one or more of these rules with respect to any one or more of the liquors or drugs mentioned therein.
- Resident may suspend Rules by notification.

And no person shall, in such district or part of a district, be liable to any penalty for the infringement of any such rule or rules with respect to such liquor or drug as shall be mentioned in the notification during the continuance in force of such order, and until its cancelment.

8. The Deputy Commissioner may grant special licenses for the sale of the unfermented 'tari' only, at those periods of the year when the fresh juice is in request: such license shall be chargeable with a fee of one rupee.
- Special licenses for sale of unfermented 'tari.'
- But no Contractor or Sub-Contractor need take out such license.

9. It shall be lawful for the Deputy Commissioner, with the sanction of the Commissioner, to fix limits within which one or more distilleries may be set up and country spirits sold. The said limits shall comprise an 'Abkari Division.'
- Abkari Division.

So far as Chapter I, this Chapter and Chapter IV relate to the manufacture and sale of country spirits, they are repealed by the Berar Excise Law, 1897 (printed *infra*, p. 304) in such portions of the Hyderabad Assigned Districts to which that law has been extended; so far as they relate to intoxicating drugs other than opium, they are repealed by the Berar Hemp Drugs Law, 1897 (printed *infra*, p. 316); and so far as they relate to opium, by the Opium Act, 1878 (I of 1878), which was applied by Notification No. 225-I J., dated the 15th August, 1897, printed *supra* p. 105.

CHAPTER III —BERAR—*contd.***B. British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Abkari Rules—*contd***CHAPTER IV.¹*Contractors and Sub-Contractors.*

10. The Deputy Commissioner may, under the general control of the Commissioner, offer for sale the right to manufacture and sell country spirits at any place or places in his district, either by public auction or by tender. But the Deputy Commissioner shall not be obliged to accept the highest or any other bid or tender. The conditions and rules of the sale, with a list of the places where shops are to be allowed, shall be affixed in writing at the place of sale seven days previous to the holding of the sale, and they shall be read out publicly before the sale commences.

11. The Deputy Commissioner shall give the Contractor a written license to manufacture and sell country spirits, and the Contractor shall execute a counterpart engagement in conformity with the terms of the license which shall set forth the conditions which must be observed under pain of forfeiture of the license.

The sale authorized by this license shall be for retail only, but the Deputy Commissioner, or, where he is not present, a Magistrate of the 1st class, may give a special pass or order for the supply to a person or persons mentioned in such pass or order, on one occasion only, of a larger quantity.

12. The number of shops which may be established, and their locality, shall be stated in the license to be given to the Contractor.

Proviso.—Provided that the Deputy Commissioner may order a Contractor to remove any shop from any locality whatever to some other within the said limits, should the same be necessary for the public good.

13. A Contractor must give to his Sub-Contractor a license for the manufacture and sale, or sale only, of country spirits as aforesaid, and must file the name of such Sub-Contractor, together with a description of the shops let on sub-contract, in a list to be kept at the Deputy Commissioner's Office.

And no Contractor shall in any Court be able to recover from any Sub-Contractor on account of any Abkari lease unless the above provisions shall have been complied with.

14. All the foregoing rules contained in this chapter relative to the sale of country spirits shall be equally applicable to the sale of drugs; but for the vend of drugs a separate license must be granted.

15. In case of any default, the Deputy Commissioner is hereby empowered to attach any moveable property of such defaulter or his security within the Deputy Commissioner's magisterial jurisdiction, and may deal with the same as he is empowered to deal with property confiscated under these rules, and further, may re-sell the right.

¹ See foot-note on preceding page.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Abkari Rules—*contd.*CHAPTER V.¹*Hemp and Opium.*PART II.²

PROCEDURE.

CHAPTER VI.

Deputy Commissioners.

21. The collection of the revenue arising from the manufacture and sale of country and foreign spirits, fermented liquors, and drugs, shall be under the charge of the Deputy Commissioner, who shall perform the duties connected therewith under the control of the Commissioner and of the Resident.

Deputy Commissioner to collect Abkari Revenue.

And all orders passed by the Deputy Commissioner under these rules shall be appealable in the usual manner to the Commissioner.

22. The Deputy Commissioner may issue his warrant for the arrest of any person whom he may have reason to believe, either from information in writing or from the proceedings in any other case, to be engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, or to have in his possession any such liquors or drugs liable to confiscation under these rules.

Warrant of arrest.

23. The Deputy Commissioner may issue his warrant for the search of any house, boat, or other place in which, upon any of the grounds mentioned in the last preceding rule, he may have reason to believe that spirits are unlawfully manufactured, or that spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, are kept or concealed; and such warrant may be executed by any officer above the rank of Head Constable in the manner prescribed.

Search warrant.

24. Whenever any person is arrested, or any articles seized, under the warrant of the Deputy Commissioner, the Deputy Commissioner, after such enquiry as he thinks necessary, shall send the person arrested, or the articles seized, to the Magistrate, or shall order the immediate discharge of such persons, or the release of such articles.

Proceedings after arrest or seizure.

25. All property confiscated under these rules shall be under the orders of the Deputy Commissioner, who may dispose of such property by sale, or utilize it for the public service.

Confiscated property.

¹ Chapter V, so far as it relates to hemp, is repealed by the Berar Hemp Drugs Law, 1897, printed *infra*, p. 316; and so far as it relates to opium, by the Opium Act, 1878 (I of 1878), which was applied to Berar by Notification No. 225-I.J., dated the 15th August, 1879, printed *supra*, p. 105.

² So far as Part II relates to country spirits and fermented liquors, it is repealed by the Berar Excise Law, 1897 (printed *infra*, p. 304), in such portions of the Hyderabad Assigned Districts to which that law has been extended, and so far as it relates to opium and other intoxicating drugs, by the Opium Act, 1878 (I of 1878), and the Berar Hemp Drugs Law, 1897, respectively.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Abkari Rules—*contd.***

CHAPTER VII.

Abkari Officers.

26. Any Abkari officer may enter or inspect at any time, by day or by night, the shop or premises in which any licensed manufacturer or retail vendor shall carry on the manufacture of country spirits, or the sale of spirituous liquors or drugs.

27. Any Abkari officer may stop and detain any person carrying any spirituous or fermented liquors, or drugs liable to confiscation under these rules, and may seize the liquors or drugs, with the vessels, packages, or coverings in which they are contained, and the animals and conveyances used in carrying them, and may also arrest the person in whose possession such liquors or drugs are found.

28. Any Abkari officer may arrest any person having in his possession an unlicensed still, or any other spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, or who is engaged in the unlawful sale of spirituous or fermented liquors, or intoxicating drugs, and may seize such still, the materials for working it, and all such liquors and drugs.

29. Whenever any Abkari officer shall have good reason to believe, from information given by any person,—which information shall be taken down in writing—that spirits are unlawfully manufactured, or that any spirituous or fermented liquors, or intoxicating drugs liable to confiscation under these rules, are kept or concealed in any house, boat, or other place, such officer may, between sunrise and sunset, enter into any such house, boat or place, and in case of resistance may break open any door and force and remove any other obstacle to such entry, and may seize and carry away all stills and materials used in the manufacture of such spirits, and all such liquors and drugs, and may also arrest the occupier of the house, boat, or place, with all other persons concerned in the manufacture of such spirits, or in the keeping and concealing of such liquors or drugs.

30. Whenever any Abkari officer shall arrest any person, or seize any still, or any liquors, or drugs liable to confiscation under these rules, or enter any house, boat, or place for the purpose of searching for any such illicit articles, he shall, within 24 hours thereafter, make a full report of all the particulars of such arrest, or seizure, or search, to his official superior, and, unless acting under the warrant of the Deputy Commissioner, shall carry or forward the person arrested, or the illicit articles seized, with all convenient despatch to the Magistrate.

And every search under this chapter made by an Abkari officer, not being the Deputy Commissioner or the District Superintendent of Police, shall be made in the presence of two respectable inhabitants of the town or village within the limits of which the search is made.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b) Special Local Laws—*contd.*Berar Abkari Rules—*contd.*

CHAPTER VIII.

General.

31. All the rules prescribed under Criminal Procedure Code (Act X of 1872)¹ for the conduct of cases in which a summons must be issued, and for appeal against orders passed, shall be observed in all cases tried under these rules.

32. All forfeitures and penalties for the breach of these rules, and all seizures of goods declared liable to confiscation under these rules, shall be adjudged by the Magistrate on information of an Abkari officer.

Proviso.—Provided that any person may lay information directly before a Magistrate of any infraction of section 40; but that no prosecution after lapse of six months from date of offence charged shall be entertained.

33. The Deputy Commissioner may, with the sanction of the Commissioner, award rewards not exceeding 100 rupees for information leading to detection of breach of these rules and for apprehension of the offender.

The rewards to be paid on conviction before Magistrate. For higher rewards the sanction of the Resident must be obtained.

34. All police officers are hereby required, when called upon, to aid Abkari officers in the exercise of their functions under these rules. And any police officer neglecting or refusing to give aid when called upon by an Abkari officer may be punished according to the provisions of section 29 of the Police Act.²

V of 1861.

PART III.³

PENALTIES.

CHAPTER IX.

Manufacture, sale, possession, and transport of spirits, fermented liquors, wines and drugs.

35. Every Jagirdar or Enamdar, and every Maccadam, Patwari, or other village official, who shall authorize or connive at the manufacture or sale of country spirits, or the sale of spirituous or fermented liquors, or intoxicating drugs, by an unlicensed person, shall forfeit, for every such offence, a sum not exceeding 500 rupees.

¹ See now Act V of 1898, which is in force in Berar in virtue of Notification No. 1811-I. B., dated 1st July, 1898, printed *supra*, p. 39.

² This Act was applied to Berar by Notification No. 212-J., dated 24th October, 1873, printed *supra*, p. 95.

³ Part III, so far as it relates to country spirits, fermented liquors and wines, is repealed by the Berar Excise Law, 1897 (printed *infra*, p. 304) in places to which that Law has been extended; as to opium it is repealed by the Opium Act, 1878 (I of 1878), which was applied to these Districts by Notification No. 225-I.J., dated the 15th August, 1879, printed *supra*, p. 105; as to other intoxicating drugs by the Berar Hemp Drugs Law, 1897, printed *infra*, p. 316.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Abkari Rules—*contd.***

36. Whoever shall commit a breach of the provisions of section 2 shall be

Breach of section 2. liable to a fine not exceeding 1,000 rupees, and liquors manufactured by such person, and all materials and implements collected for the purpose of manufacturing foreign spirits and fermented liquors, may be confiscated.

And every person obtaining a license under section 2, who shall contravene any rule or condition attached to the license and approved by the Resident, or any rule framed by the Resident under such section, shall be liable to a fine not exceeding 200 rupees.

37. Any person who shall sell foreign spirits, fermented liquors, or wines Sale of foreign spirits, fermented without a license shall be liable to a fine not liquors, and wines without license. exceeding 500 rupees.

Proviso.—Provided that nothing in this rule shall apply to the sale of any foreign spirits, fermented liquors, or wines purchased by any person for his private use, and not for sale, and disposed of by such person as overstock, or on quitting the station, or on behalf of such person's estate on his decease.

38. Any person who having taken out a license for the wholesale vend only Wholesale vendor selling by retail. of foreign spirits, fermented liquors, and wines shall sell the same by retail, shall be liable to a fine not exceeding 500 rupees.

39. Any person who shall, in any Abkari Division, manufacture or sell country Manufacture or sale of country spirits or drugs without license. spirits or drugs without license. Deputy Commissioner or from a Contractor, shall be liable to a fine not exceeding 1,000 rupees.

40. Every Contractor or Sub-Contractor, and every person who obtains any Contractors, Sub-Contractors and Pass holders to show licenses and passes, when demanded, to Abkari officers. pass from the Deputy Commissioner or from a Tehsildar, who shall not show his license or pass when demanded by an Abkari officer, shall be liable to a fine not exceeding 50 rupees. •

41. Every person licensed to sell any description of liquors or drugs who shall Permit drunkenness, riot, or gambling in his shop, or shall permit persons of a notoriously bad character to meet and remain therein, or shall receive any wearing apparel or other effects in barter for a pledge for the payment of liquors or drugs, shall forfeit, for every such offence, a sum not exceeding 200 rupees.

42. ¹[Every Contractor or Sub-Contractor, and every servant, agent, or employé of such Contractor or Sub-Contractor] who shall Wholesale vendors and pass-holders selling by retail. sell any country spirits or drugs to any person in excess of what is permitted for retail sale, or who shall sell spirits or drugs at any place except that specified in his license, and every person holding a pass under section 17 who shall sell opium, ganja, or bhang, in quantities not exceeding 20 seers, shall forfeit, for every such offence, a sum not exceeding 200 rupees.

Proviso.—Provided that nothing in this section shall be deemed to apply to

¹ These words were substituted for the words "every Contractor or Sub-Contractor" by Notification No. 409, dated the 11th December, 1895, *see* Hyderabad Residency Orders, 1895, Pt. I, p. 327.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.—(b) Special Local Laws—*contd.*Berar Abkari Rules—*contd.*

cultivators of opium, ganja, or bhang, when they sell to persons to whom they are empowered to dispose of their said produce under the provisions of section 16.

43.¹ [Every Contractor or Sub-Contractor, and every servant, agent, or employé of such Contractor or Sub-Contractor] who shall, in any Abkari Division, commit any act in breach of the license granted to the Contractor, or of his counterpart engagement, not otherwise provided for by these rules, shall forfeit, for every such offence, a sum not exceeding 100 rupees.

44. Every person other than a person licensed to manufacture or sell, or a pass-holder who shall have in his possession any quantity of foreign or country spirits, fermented liquors, or drugs, in excess of what may be sold under these rules by retail, shall forfeit, for every such offence, a sum not exceeding 100 rupees; and the liquors or drugs, together with the vessels, packages and coverings in which they may be found, and the animals and conveyances used in carrying them, shall be liable to confiscation, subject to the exceptions specified below and if the drug be opium, or any preparation or admixture of the same, such person shall be liable, in addition to the above, to a penalty not exceeding 10 rupees for every seer found in his possession.

EXCEPTION I.—Foreign or country spirits, fermented liquors, and wines purchased by any person for private use and not for sale.

EXCEPTION II.—Cultivators of the plants producing opium, ganja, or bhang in possession of such produce grown by themselves.

EXCEPTION III.—Persons using the juice of the sendee tree (*Phania sylvestris*) merely for the manufacture of goor or molasses.

EXCEPTION IV.—Travellers and visitors from countries without the limits of Berar, having any quantity of opium not exceeding 2 seers, the produce of any country without the limits of Berar, intended for the private use of such travellers, or visitors, or their attendants, and not for sale or traffic.

EXCEPTION V.—Dealers in horses, travelling with batches of horses, and having in their possession opium the produce of countries without the limits of Berar, not exceeding in quantity 10 tolas per horse.

Any quantities found in the possession of any traveller, visitor, or horse-dealer, in excess of those specified above, shall be liable to confiscation; but the person in whose possession the opium may be found shall not be subject to any further penalty.

45. Any cultivator of the plants producing ganja, bhang or opium, who shall sell ganja, bhang, or opium to persons to whom he is not permitted to sell under the provisions of section 16, shall be liable to a fine not exceeding 200 rupees; and the drugs thus sold may be confiscated.

46. Any person who shall commit a breach of these rules, the penalty for which is not specially provided in these rules, and for which no penalty is provided in any other law applicable to Berar, shall be liable to a penalty not exceeding 100 rupees.

¹ See footnote on preceding page.

CHAPTER III —BERAR—*contd.*B -British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Abkari Rules—*concl'd.*

47. Whenever any person who has been convicted of any offence under these rules shall be again convicted of the same, or any other offence under these rules, he shall be liable, in addition to the penalty attached to such offence, to imprisonment for a period not exceeding 6 months on every subsequent conviction.

And if such subsequent offence be committed within one year after any former conviction, the imprisonment may, in the discretion of the Magistrate, be in a criminal jail.

48. The provisions of Chapter VI of the Indian Penal Code¹ with respect to abetment shall, wherever possible, be deemed applicable to these rules.

* * * * * * *

Rules as to levy of certain cesses.

No. 11, dated the 27th January, 1875.—The Governor General in Council hereby authorizes the levy in the Hyderabad Assigned Districts of the Cesses detailed below :—

I.—A Bazar Cess, ranging from three annas to three pie per stall, on all vendors of goods at periodical markets in the Hyderabad Assigned Districts.

* * * * * *

[See *Gazette of India*, 1875, Pt. I, p. 54]

Notification applying portion of the inland Customs Rules in force in British India.

No. 41-R., dated the 11th May, 1877.—With reference to the preceding notification,⁴ the Governor General in Council is pleased to prohibit absolutely the manufacture of alimentary salt in the Hyderabad Assigned Districts, and its import into the said Districts, except when such salt is conveyed by rail or is brought from the territories under the administration of the Chief Commissioner of the Central Provinces, and to declare that Rules 41 to 47, both inclusive, of the Inland Customs Rules, published under Notification No. 156, dated 30th June, 1876,⁵ of the Department of Revenue, Agriculture and Commerce, are in force in the said Districts, the words "Hyderabad Assigned Districts" being substituted in those rules for the words "territories under the administration of the Chief Commissioner of the Central Provinces," or the words "Central Provinces."

The following Schedule is hereby substituted for Schedule B published under Notification No. 304, dated 3rd November, 1876, of the Department of Revenue, Agriculture and Commerce :—

¹ The Indian Penal Code (Act XLV of 1860), see General Acts, Vol. I, Ed. 1898, p. 240, is in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, in supersession of an earlier notification. For Notification No. 1811-I.B., see *supra*, p. 39.

² The appendix to these Rules, which related to the exportation of opium out of India, dated 17th November, 1887, is here omitted, see now the rules framed by the Resident under ss 5 and 13 of the Opium Act, 1878 (I of 1878), in Notification No. 306, dated the 23rd September, 1898, Hyderabad Residency Orders, 1898, Pt. I, p. 341.

³ Part II of this notification relating to the levy of a Town-fund on all persons working for gain, etc., within these Districts was superseded by Notification No. 88, dated the 16th June, 1899, printed *infra*, p. 154.

⁴ Part I will cease to have effect in any market or bazar when it is notified under section 2 of the Berar Cotton and Grain Markets Law, 1897, printed *infra*, p. 326.

⁵ No. 40-R., printed *supra*, p. 102.

⁶ See *Gazette of India*, 1876, Pt. I, p. 322.

CHAPTER III.—BERAR—*cont'd.*B.—British-Berar Enactments—1.-(b) Special Local Laws—*cont'd.*Inland Customs Rules—*cont'd.*

SCHEDULE B.

Schedule of Inland Customs Duty per maund of salt despatched to stations in the Central Provinces or the Hyderabad Assigned Districts, on the Nagpur Branch of the Great Indian Peninsula Railway.

From	To	Kanker.	Malkapur.	Buswa.	Nandura, late Nimgaon.	Jalamb or Khángson.	Shesgaon.	Paras.	Akola.	Borgaon.	Murtazapur.	Mohona.	Kuram, Ch.	Badnera or Amrísoti.	Chándur.	Dhámangau.	Phalegaon, late Kovtah.	Wardha or Branch.	Sindi.	Bori.	Nagpur.
NARGAON AND ALL STATIONS.	West of Nargaoon	A. P. A.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.	P. A. P.
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Kanker	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Malkapur	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Buswa	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Nandura, late Nimgaon	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Jalamb or Khángson	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
Inland Customs Rules— <i>cont'd.</i>	Shesgaon	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Paras	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Akola	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Borgaon	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Murtazapur	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
Inland Customs Rules— <i>cont'd.</i>	Mohona	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Kuram	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Badnera or Amrísoti	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Chándur	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Dhámangau	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
Inland Customs Rules— <i>cont'd.</i>	Phalegaon, late Kovtah	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Wardha or Branch	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Sindi	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Bori	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
	Nagpur	0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3
		0 4	0 8	1 1	1 6	1 11	2 3	2 10	3 5	4 0	4 7	4 11	5 4	5 11	6 9	7 4	7 11	8 10	9 10	10 5	11 3

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1.—(b) Special Local Laws—*contd.***

Extract Rules 41 to 47 from Notification No. 156, dated the 30th June, 1876, applied by the preceding notification.

B.—Of the import of salt from the Bombay Presidency and of the Inland Customs mileage-duty on salt so imported.

Mileage-duty on salt. 41. The import duty on salt shall be levied by way of a mileage-rate on—

(a) salt imported from the Presidency of Bombay into any part of the territories under the administration of the Chief Commissioner of the Central Provinces, and

(b) salt which, having been so imported, is afterwards moved from one place to another in those territories.

42. The rates of such duty per maund shall be in accordance with Schedules A and B¹ hereto annexed.

Rates of such duty.

These rates (when levied by railway officers as an addition to the freight) shall be levied on the same quantities and subject to the same conditions as those on and under which the freight is charged by the Railway Company.

43. Salt shall not be booked for stations in the Central Provinces from the Bombay, Baroda and Central India Railway, except at the Kharaghora, Bhynder and Bassein stations.

44. The weighments of salt booked at these three stations and at stations of the Great Indian Peninsula line for stations in the Central Provinces shall be conducted by Customs officers, who shall keep for each booking-station a register of all salt so booked.

Weightments of salt at these and other booking-stations

45. No salt shall be loaded into a railway wagon for despatch to any station in the Central Provinces until the entry referring to it has been made in the register by the Customs officer and signed by the Station-master.

Salt to be registered before loading on railway wagon.

46. Rule forty-five shall not apply to salt booked from Kharaghora, the duty on which shall be levied by the Bombay Customs officer at Kharaghora before the salt is despatched.

Rule 45 not to apply in certain cases.

47. Excesses of salt discovered at the delivery-station over the quantity booked for despatch and entered in the register shall be dealt with as excesses at trade-posts on the Customs line.

Treatment of excess delivered over quantity booked.

¹ See now the schedule B printed on p. 148 *supra*, which supersedes this by the combined authority of the Revenue, Agriculture and Commerce Department's Notifications No. 304, dated the 3rd November, 1876 and 41-R., dated the 11th May, 1877.

CHAPTER III.—BERAR—*contd.*

B.-British-Berar Enactments—

Extract Rules 41

SCHEDULE A.

Schedule of Inland Customs Duty per maund of Salt despatched to Stations in the

FROM	TO	Burhānpur.	Chāndni	Māndwa	Dongargāon.	Khandwa, or Holkar, State Railway.	Jāwar.	Bir.	Harsād	Khirkān	Bhiringi.	Harda.	Timarni.	Pagdhāl.	Sioni.	Dharam-Kundi.	Dulāna.
		A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.
Raver and all stations west of Raver . . .		0 9	1 6	1 11	2 5	3 3	3 10	4 6	5 2	5 10	6 4	6 11	7 6	7 11	8 6	8 9	9 3
	Burhānpur . . .	0 8	1 2	1 8	2 6	3 1	3 9	4 5	5 1	5 7	6 3	6 9	7 3	7 9	8 1	8 6	
	Chāndni . . .	0 6	1 0	1 10	2 5	3 1	3 9	4 5	5 1	5 7	6 3	6 9	7 3	7 9	8 1	8 6	
	Māndwa . . .		0 6	1 4	1 11	2 7	3 3	3 11	4 5	5 1	5 7	6 1	6 7	6 11	7 4		
	Dongargāon . . .			0 11	1 6	2 1	2 10	3 5	3 11	4 7	5 1	5 7	6 1	6 4	6 11		
	Khandwa . . .			0 7	1 3	1 11	2 7	3 0	3 9	4 2	4 9	5 3	5 7	6 0			
	Jāwar . . .			0 8	1 5	2 0	2 5	3 2	3 8	4 2	4 8	5 0	5 6				
	Bir . . .			0 8	1 4	1 10	2 6	3 0	3 6	4 0	4 4	4 9					
	Harsād . . .			0 8	1 1	1 10	2 3	2 10	3 4	3 7	4 1						
	Khirkān . . .			0 6	1 2	1 8	2 2	2 8	3 0	3 6							
	Bhiringi . . .			0 8	1 2	1 8	2 3	2 6	3 0								
	Harda . . .			0 6	1 0	1 7	1 10	2 4									
	Timarni . . .			0 6	1 1	1 4	1 10										
	Pagdhāl . . .			0 7	0 11	1 4											
	Sioni . . .			0 4	0 10												
	Dharam-Kundi . . .			0 6													
	Dulāna . . .																

Notes.—If the duty on any despatch of salt includes a fraction of an anna, such fraction, if less than half an anna, will be remitted, and if equal to or exceeding half an anna, will be taken as one anna.

Itarsi

CHAPTER III.—BERAR—*contd.*1.-(b) Special Local Laws—*contd.*to 47, etc.—*contd.*

—(See Rule 42.)

Central Provinces on the Jabalpur Branch of the Great Indian Peninsula Railway.

Itarsi.	Rampur.	Bagra.	Semri.	Sohápur.	Pipária.	Bankheri.	Bábá.	Gádawara.	Sihora, late Bohani.	Kareh.	Narsingpur.	Karak-Bel.	Chindwara.	Shahpura.	Mirganj.	Jabalpur or beyond.
A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
9 8	10 1	10 8	11 2	11 6	12 2	12 11	13 5	14 0	14 5	15 0	15 7	1 0 1	1 0 9	1 1 6	1 2 0	1 2 8
9 0	9 4	9 11	10 5	10 9	11 5	12 2	12 8	13 3	13 9	14 4	14 10	0 15 5	1 0 0	1 0 10	1 1 3	1 1 11
8 3	8 8	9 3	9 8	10 0	10 6	11 5	12 0	12 7	13 0	13 6	14 2	0 14 8	0 15 3	1 0 1	1 0 8	1 1 2
7 10	8 2	8 9	9 3	9 7	10 3	11 0	11 6	12 1	12 7	13 2	13 8	0 14 3	0 14 10	0 15 8	1 0 1	1 0 9
7 4	7 8	8 3	8 9	9 1	9 9	10 6	11 0	11 7	12 1	12 8	13 2	0 13 9	0 14 4	0 15 2	0 15 8	1 0 3
6 6	6 10	7 5	7 11	8 3	8 11	9 8	10 3	10 9	11 2	11 9	12 4	0 12 11	0 13 6	0 14 4	0 14 10	0 15 5
5 11	6 4	5 11	7 4	7 8	8 4	9 1	9 8	10 2	10 7	11 2	11 9	0 12 4	0 12 11	0 13 9	0 14 3	0 14 10
5 3	5 7	6 2	6 8	7 0	7 8	8 5	8 11	9 6	9 11	10 6	11 1	0 11 7	0 12 3	0 13 6	0 13 6	0 14 2
4 7	4 11	5 6	5 11	6 4	7 0	7 8	8 3	8 10	9 3	9 10	10 5	0 11 0	0 11 7	0 12 4	0 12 11	0 13 6
3 11	4 4	4 11	5 4	5 9	6 4	7 6	8 1	8 3	8 8	9 3	9 10	0 10 4	0 11 0	0 11 10	0 12 4	0 12 10
3 5	3 10	4 5	4 10	5 3	5 11	6 7	7 2	7 8	8 2	8 9	9 4	0 9 10	0 10 5	0 11 4	0 11 9	0 12 4
2 10	3 2	3 9	4 2	4 7	5 2	5 11	6 6	7 1	7 6	8 1	8 8	0 9 3	0 9 10	0 10 7	0 11 1	0 11 9
2 3	2 8	3 3	3 8	4 0	4 8	5 5	5 11	6 6	6 11	7 6	8 1	0 8 8	0 9 3	0 10 1	0 10 7	0 11 2
1 10	2 2	2 9	3 3	3 7	4 2	5 0	5 6	6 1	6 6	7 1	7 8	0 8 3	0 8 10	0 9 8	0 10 1	0 10 9
1 3	1 8	2 3	2 8	3 0	3 8	4 5	5 0	5 7	5 11	6 6	7 1	0 7 8	0 8 3	0 9 1	0 9 7	0 10 3
1 0	1 4	1 11	2 5	2 9	3 5	4 2	4 8	5 3	5 8	6 3	6 11	0 7 5	0 8 0	0 8 10	0 9 3	0 9 11
0 6	0 11	1 6	1 11	2 3	2 11	3 7	4 2	4 9	5 2	5 9	6 4	0 6 11	0 7 6	0 8 4	0 8 10	0 9 5
0 5	1 0	1 6	1 11	1 17	2 5	3 3	3 9	4 4	4 8	5 4	5 11	0 6 6	0 7 1	0 7 11	0 8 4	0 9 0
Rampur	0 7	1 1	1 6	2 1	2 10	3 5	3 11	4 5	4 11	5 7	0 6 1	0 6 8	0 7 6	0 8 0	0 8 5	
Bagra	0 6	0 11	1 6	2 3	2 10	3 4	3 10	4 5	5 0	0 5 6	0 6 1	0 6 11	0 7 5	0 7 50		
Semri	0 5	1 1	1 9	2 4	2 10	3 4	3 11	4 6	0 5 0	0 5 7	0 6 6	0 6 11	0 7 6	0 7 6		
Sohápur	0 9	1 5	2 0	2 6	3 0	3 6	4 2	0 4 8	0 5 3	0 6 1	0 6 7	0 7 2				
Pipária	0 9	1 3	1 10	2 4	2 10	3 6	0 4 0	0 4 7	0 5 5	0 5 11	0 6 6					
Bankheri	0 7	1 2	1 8	2 3	2 9	0 3 4	0 3 11	0 4 9	0 5 2	0 5 8						
Bábá	0 7	1 1	1 8	2 3	0 2 9	0 3 4	0 4 2	0 4 8	0 5 3							
Gádawara	0 6	1 1	1 8	0 2 2	0 2 9	0 3 7	0 4 1	0 4 8								
Sihora, late Bohani	0 7	1 3	0 1 9	0 2 4	0 3 2	0 3 8	0 4 3									
Kareh	0 8	0 1 2	0 1 9	0 2 7	0 3 1	0 3 8										
Narsingpur	0 0 6	0 1 2	0 1 11	0 2 5	0 3 1											
Karak-Bel	0 0 8	0 1 5	0 1 11	0 2 7												
Chindwara	0 0 10	0 1 4	0 1 11													
Shahpura	0 0 7	0 1 2														
Mirganj	0 0 8															

CHAPTER III.—BERAR—*contd.***3.-British-Indian Enactments—1.-(b) Special Local Laws—*contd.*****Abolition of appointment of Railway Magistrate.**

No. 191, dated the 23rd December, 1878.—The Resident is pleased to abolish the appointment of Railway Magistrate in Berar, and to direct that all cases occurring on the railway be triable by any European Magistrate having local jurisdiction outside the railway fences. When the Magistrate possessing such jurisdiction is not an European, cases triable by him may be transferred, as the Judicial Commissioner may think fit to direct, by a general or special order, to the nearest European full power Magistrate.

[See *Hyderabad Residency Orders*, 2nd January, 1879, p. 3.]

Amendment of preceding Notification.

No. 277, dated the 26th March, 1879.—The latter part of Notification No. 191, dated 23rd December, 1878, is hereby cancelled, and the notification as amended will run thus :—

“The Resident is pleased to abolish the appointment of Railway Magistrate in Berar, and to direct that all cases on the railway be triable by any European Magistrate having local jurisdiction outside the railway fences.

“Whenever a European Magistrate shall not be present in the Malkapur taluka, that part of the railway line lying within the Buldana district shall be considered a division of the Akola district.”

[See *Hyderabad Residency Orders*, 1st April, 1879, p. 144.]

Trial of petty Railway Cases.

No. 152, dated the 1st November, 1879.—In modification of the arrangement ordered in Notification in the Residency Orders, No. 277, dated the 26th March, last, the Resident is pleased to direct that all petty cases occurring on the railway in Berar shall be triable by any Magistrate, European or Native, having local jurisdiction outside the line of rail. Serious cases, and cases in which Europeans are concerned, will continue to be taken before European Magistrates only.

[See *Hyderabad Residency Orders*, 1879, Pt. I, p. 568.]

Rules as to the arrest of persons registered in British India under the Criminal Tribes Act, 1871 (XXVII of 1871) and found in the Hyderabad Assigned Districts.

No. 289-I.J., dated the 29th August, 1879.—The Governor General in Council is pleased to make the following Rules for the Hyderabad Assigned Districts with regard to the arrest of persons registered in British India under the Criminal Tribes Act (XXVII of 1871)¹ and found in those districts :—

1. Any person registered under the provisions of the Criminal Tribes Act (XXVII of 1871) who is found in any part of the Hyderabad Assigned Districts without such pass as may be required by the Rules under the said Act, or in a place, or at a time, not permitted by the conditions of his pass, or who escapes from a reformatory settlement in British India and is found in any part of the said districts, may be arrested without warrant by any policeman, or village watchman, and taken before a Magistrate, who, on proof of the facts, shall order

¹ For this Act, see the North-Western Provinces and Oudh Code, Ed. 1893, p. 157. It has not been applied to the Hyderabad Assigned Districts.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1-(b) Special Local Laws—*contd.*****Rules as to arrest of persons, etc.—*concl'd.***

him to be removed to the district in British India in which he ought to have resided, or to the reformatory settlement from which he has escaped (as the case may be), there to be dealt with according to the Rules under the said Act for the time being in force.

2. The Rules for the time being in force for the transmission of prisoners shall apply to all persons removed under these rules: provided that an order from the Resident at Hyderabad or from the Inspector General of Prisons shall not be necessary for the removal of such persons.
3. It shall be the duty of every village headman and village watchman in a village, and of every owner or occupier of land, to give the earliest information in his power at the nearest police station of the arrival at such village or on such land (as the case may be) of any person who may reasonably be suspected of belonging to any tribe, class or gang which has been declared Criminal under the said Act.
4. Any village headman, village watchman, owner or occupier of land, who shall fail to comply with the requirements of Rule 3, shall be deemed to have committed an offence under the first part of section 176 of the Indian Penal Code.

[See *Gazette of India*, 1879, Pt. I, p. 584.]

Rules for disposal, etc., of Unclaimed and La-waris property.

In supersession of Book Circular No II of 1877, and all other orders on the subject of property referred to therein, the following rules are issued by the Resident, with the sanction of His Excellency the Governor General in Council.

Property to be dealt by the Magistracy and sent in by the Police is usually of three kinds:—

X of 1882. Property to be dealt with by a Magistrate. *A.*—Articles transmitted to the Magistrate under Section 127 of the Code of Criminal Procedure,¹ with the Police report in cases sent up for trial.

Property to be dealt with by a Magistrate. *B.*—Property seized by the Police as stolen property or on suspicion, under section 415 of the Code of Criminal Procedure.

Unclaimed property to be disposed of under the orders of the Magistrate of the District. *C.*—Moveable property taken charge of by the Police under sections 25 and 27 of Act V of 1861.

I. With regard to property of the first kind, the Police Department, or such other officer as the Court in its discretion shall see fit to entrust it to, will retain charge of it pending the disposal of the case. When the case is decided, the property, if not returned to the owner, will be made over to the District Nazir for safe custody, if the Magistrate who tried the case is located at the head-quarters, and in other cases to the Tahsildar of the Taluk in which it was taken possession of.

X of 1882. II. Property of the second kind will remain at the Police station until the Magistrate makes an order under section 415 of the Criminal Procedure Code.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39. The Code is printed in the General Acts, Vol VI, Ed. 1898, p. 380.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1-(b) Special Local Laws—*contd.*****Rules for disposal, etc., of Unclaimed and La-waris property—*contd.***

III. Property of the third kind shall at once be sent with an inventory thereof to the Tahsildar of the Taluk in which it was taken possession of.

IV. On receiving property under Rule III, the Tahsildar will enter it in his register, and send on the inventory which accompanied it to the Deputy Commissioner.

If the property is of a perishable nature, or if it appear to the Deputy Commissioner that its sale would be for the benefit of the owner, he may at any time direct it to be sold, and shall credit the proceeds to deposits. All other property except that referred to in Rule V, which should be forwarded to Deputy Commissioners at head-quarters, shall be kept for six months.

V. In the case of each kind of property above mentioned, if such property consists of bullion, coin or jewels, and is of some value, say of Rs. 200 and upwards, it should be sent to head-quarters, where, under the orders of the Deputy Commissioner, it will be made over to the District Nazir. Should the value of the property amount to Rs. 1,000 or upwards, the Deputy Commissioner should not make over to the District Nazir, but to the Treasurer, by whom the bullion, at its estimated value in cash, the coin as a regular deposit, and the jewel as an extraordinary deposit, shall be entered in a special register, which should be countersigned every month by the Deputy Commissioner.

VI. The Tahsildar, as well as the Police, so long as the property remains in their possession under the above rules, shall be held responsible for its safe custody. Similarly, the Nazir or the Treasurer, as the case may be, will be responsible for the safe custody of the property in his possession.

VII. The Deputy Commissioner shall, as soon as possible after the receipt of the property either at tahsil cutcheries or at head-quarters, under Rule V, cause a proclamation to be issued specifying the articles of each kind, and requiring any person who may have a claim thereto, or to the proceeds thereof, to appear before the Tahsildar of the Taluk, and establish his claim within six months from the date of such proclamation.

VIII. If claims are preferred, the Tahsildar of the Taluk shall hear them and submit his proceedings and opinion to the Deputy Commissioner, who shall dispose of them according to their merits, referring any doubtful case to the Commissioner for orders.

IX. If no person within the period of six months establishes his claim to such property or proceeds, and if the person in whose possession such property was found is unable to show that it was legally acquired by him, the property shall be at the disposal of Government, and shall be sold under the orders of the Deputy Commissioner; or if it has already been sold, the proceeds shall be at the disposal of Government, and shall be credited to Law and Justice.

X. All claims to monies credited to Government shall be heard in the Akola and Amraoti Districts by the Treasury Officers, and in the other districts by Assistant Commissioners in charge of the taluks from which the property was received. The proceedings in each case shall be forwarded to the Deputy Commissioner, who, in the case of claims received favourably for the applicants, shall report through the Judicial Commissioner for the orders of the Resident.

XI. All property referred to under these rules shall, as a rule, be sold at the taluk cutcherry, but Deputy Commissioners may order any property to be sold elsewhere, whenever such a course may appear to them to be clearly conducive to the realization of the best obtainable prices.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Rules for disposal, etc., of Unclaimed and La-waris property—*concl.***

XII. Sales shall be fixed on bazar days during the hours of public business.

XIII. Fifteen days' clear notice shall always be given before sale, and a copy of the notification specifying the time and place of sale, and the property to be sold, shall be put up at the tahsil cutcherry.

XIV. A half-yearly statement in the form prescribed by the Judicial Commissioner shall be submitted by the Tahsildar to the Deputy Commissioner of their respective districts, showing value of property in hand at the end of the previous half-year, the value of the property received during the half-year, total value, value of property returned to owners, value of property credited to Government, and the balance in hand.

[Sanctioned in Government of India, Foreign Department's letter No. 155-I.J., dated 6th July, 18*1.]

Rules as to levy of the Town Fund Assessment.

No. 88-M., dated the 16th June, 1899—In supersession of the Notifications of the Government of India in the Home Department, No. 52, dated the 10th April, 1884, and No. 47, dated the 30th April, 1886, relating to the levy of the Town Fund tax in the Hyderabad Assigned Districts, the Governor General in Council is pleased to authorize the levy of the said tax in accordance with the following rule :

The Town Fund tax shall be assessable on all persons dwelling or personally working for gain or carrying on business within the Hyderabad Assigned Districts, any part of whose income is derived from any source other than agriculture :

Provided, firstly, that no Government servant, and no person whose estimated income derived from any source other than agriculture is less than two hundred rupees, shall be assessed to the said tax ; that no person shall be so assessed at a rate exceeding one per centum on his estimated income derived from any source other than agriculture ; and that no person shall be so assessed at a sum exceeding five hundred rupees per annum :

Provided, secondly, that, in the computation of income for the purposes of the assessment to the said tax, there shall be deducted from the full annual income of the assessee—

- (a) the sum of two hundred rupees, being the minimum assessable income under these rules ; and
- (b) subject to any conditions and restrictions which the Resident may, from time to time, prescribe in this behalf, such portion (if any) not exceeding one-sixth of the full annual income, as is paid by the assessee in respect of life-insurance, pension, or provident funds :

Provided, thirdly, that nothing in this rule shall apply to any local area to which the Berar Municipal Law, 1886, is for the time being applied.

Explanation.—In this rule the expression " Government servants " includes the servants of any local authority, but does not include pensioners.

[See *Gazette of India*, 1899, Pt. I, p. 470.]

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1-(b) Special Local Laws—*contd.***

Notification appointing an asylum for lunatics from the Hyderabad Assigned Districts

No. 171, dated the 27th August, 1884.—With the approval of the Governor General in Council, the Resident is pleased to direct that, for the purposes of sections 4, 5 and 8 of Act XXXVI¹ of 1858, section 31 of Act V² of 1871, and sections 466 and 471 of Act X of 1882,³ the Lunatic Asylum at Nagpur, in the Central Provinces, shall be deemed to be an asylum established by the Local Government of the Hyderabad Assigned Districts for the custody of all lunatics ordered to be detained in the lunatic asylum by the Judges and Magistrates, and the Local Government in those districts.

[See *Hyderabad Residency Orders*, dated 1st September, 1884, p. 114.]

The Berar Rural Boards Law, 1885.⁴

No. 3585-I., dated the 22nd October, 1885.—Whereas certain revenues are applicable to local purposes in each of the Hyderabad Assigned Districts, namely—

Preamble.

- (a) the surplus of the jaglia and local cess levied in respect of lands situated beyond the limits of municipalities * * * * *;
- (b) the proceeds of the town-fund assessment and bazaar-cess levied beyond [the limits of municipalities and civil stations] ;
- (c) the portion of the land-revenue set aside by the Government, and the sums levied by the Government from jagirdars, for the construction and maintenance of roads; and
- (d) the proceeds of the cess levied for the establishment and maintenance of schools:

and whereas it is expedient to make better provision for the constitution of local bodies in each of those districts to administer the expenditure of those revenues and of the income accruing from certain other sources of revenue which may, from time to time, be made applicable to the like purposes; His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders:—

Short title extent, commencement. 1. (1) These orders may be called the “Berar Rural Boards Law, 1885,” and are hereinafter and power to make rules in anticipation of law coming into force. referred to as “this Law”:

(2) This Law extends to the territories known as the Hyderabad Assigned Districts: and

(3) It shall come into force on the first day of January, 1886.

¹ This Act is in force in these Districts in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

² This Act was applied to these Districts by Notification No. 3930-I., dated the 1st November, 1894, printed *supra*, p. 53.

³ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in these Districts in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

⁴ The modifications effected by No. 386-I., dated the 26th January, 1892, see *Gazette of India*, 1892, Pt. I, p. 70, were brought into force with effect from 1st April, 1892, by Notification No. 36, dated the 10th February, 1892. See *Hyderabad Residency Orders*, 1892, Pt. I, p. 44.

⁵ The words “and of villages in which Book Circular XIV of 1881 is in force” were repealed by Notification No. 386-I., dated the 26th January, 1892, quoted in the preceding note.

⁶ These words were substituted for the words “those limits” by the notification referred to in the preceding note.

CHAPTER III —BERAR—*contd.***B.-British-Berar Enactments—1-(b) Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*contd.***

(4) The power conferred by this Law on the Resident to make rules or to issue orders may be exercised at any time after the publication of this Law; but a rule or order so made or issued shall not take effect until the Law comes into force.

Definition of "prescribed." 2. In this Law, unless there is something repugnant in the subject or context,—

"Prescribed" means prescribed by rules made under this Law.

3. Such portions of each taluk and district as are for the time being included in the limits of a municipality or of a civil station, * * * * *¹ shall for the purposes of this Law, be deemed not to form part of the taluk and districts.

4. There shall be established for each district a district board having authority over the district, and for each taluk a taluk board which shall in the taluk be the agent of the district board, and, as such agent, have such authority and discharge such duties as the district board may, by written authority in that behalf, from time to time, confer or impose upon it.

5. (1) The taluk board for a taluk shall consist of so many elected members and so many nominated members as the Resident may, from time to time, fix in this behalf: Constitution of taluk boards. Provided that the nominated members shall not exceed in number one-half of the board.

(2) The elective members of a taluk board shall be elected, in manner prescribed, by persons paying the jaglia and local cess and by persons assessed to the town-fund, respectively, in such proportions as the Resident may, from time to time, direct.

(3) Each of the electoral bodies shall be constituted in manner prescribed * * * * *

but neither of the electoral bodies shall consist of less than twenty-five electors.

(4) A person to be qualified for election must, at the time of his election, be an elector.

(5) The nominated members shall be such persons as the Commissioner may, subject to the rules made under this Law, from time to time, nominate in this behalf.

6. The district board for a district shall consist of so many of the elected members of each taluk board as the Resident thinks fit, elected in this behalf by the taluk board in manner prescribed, and such other persons as the Commissioner may appoint in this behalf: Constitution of district boards.

Provided that—

(a) not less than two-thirds of the elected members of each taluk board, who may be elected members of the district board, shall be persons who were elected members of the taluk board by the electoral body representing the payers of the jaglia and local cess;

¹ The words "or of a village in which Book Circular XIV of 1881 is in force" were repealed by Notification No. 386-I, dated the 26th January, 1892, see *Gazette of India*, 1892, Pt. I, p. 70, with effect from the 1st April, 1892, and Notification No. 36, dated the 10th February, 1892, *Hyderabad Residency Orders*, 1892, Pt. I, p. 44.

² The rest of sub-section (3) was repealed, with effect from the 1st April, 1892, by the Notifications cited in the previous footnote.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*contd.***

- (b) the persons appointed by the Commissioner to be members of the district board shall not exceed in number one-half of that board; and
- (c) one-half of the persons so appointed shall be persons who are nominated members of taluk boards.

7. (1) The term of office of a member of a taluk board, and of a member of a district board, shall be fixed, from time to time, by the Resident by rules made under this Law, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

Term of office of members.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election, nomination or appointment.

8. (1) A member of a taluk board or of a district board may resign by notifying, in writing, his intention to do so to the Commissioner; and on the acceptance by the Commissioner of such resignation, the member shall be deemed to have vacated his office.

Resignation of members.

9. The Resident may, from time to time, remove any member of a taluk board or district board—

Powers of Resident as to removal of members.

- (a) if he refuses to act, or becomes incapable of acting, or is declared insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be a member;
- (b) if he has been proscribed by the Government from being employed in its service;
- (c) if he, being a member of a taluk board, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of that board, or, being a member of the district board, without such sufficient excuse, neglects for more than six consecutive months to be present at the meetings of that board;
- (d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order; or,
- (e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

10. (1) When the place of an elected member of a taluk board or district board becomes vacant by the resignation or removal of the member or by his death, or otherwise, a new member shall be elected, in manner prescribed, to fill the place:

Filling of casual vacancies.

Provided that the Commissioner may, subject to the limitation of the proportion of nominated members of a taluk board fixed by section 5, sub-section (1), and to the limitation of the proportion of appointed members of a district board fixed by proviso (b) of section 6, direct in any such case that the vacancy shall be left unfilled.

(2) When the place of a nominated member of a taluk board or an appointed member of a district board becomes vacant as aforesaid, the Commissioner may, if he thinks fit, but subject to the rules made under this Law, and in the case of an appointed member, to proviso (c) of section 6, nominate or appoint, as the case may be, a new member to fill the place.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*The Berar Rural Boards Law, 1885—*contd.*

(3) A person elected, nominated, or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election, nomination, or appointment.

11. Every district board shall be a body corporate by the name of the district board of its district, and shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to any rules made by the Resident under this Law, to transfer any such property held by it, and to contract and do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

12. The several taluk boards and district boards constituted under this Law shall come into existence at such time as the Resident may, by notification in the *Residency Orders*, fix in this behalf.

Duties of District Boards.

13. Every district board shall, so far as the funds at its disposal will permit, but subject to such exceptions and conditions as the Resident may, from time to time, make and impose, provide for the control and administration of the following matters within the area subject to its authority :—

- (a) the construction, repair, and maintenance of public roads and other means of communication ;
- (b) the establishment, management, maintenance, and visiting of primary and middle-class schools, and of hospitals, dispensaries, markets, rest-houses, serais, and other public institutions, and the construction and repair of all buildings connected with these institutions ;
- (c) the construction and repair of public wells, tanks, and waterworks, the supply of water from them and from other sources, and the preservation from pollution of water for drinking, cooking and bathing purposes ;
- (d) the planting and preservation of trees on the sides of roads and on other public ground ;
- (e) the establishment and maintenance of such relief-works in time of famine or scarcity as may be entrusted to the charge of the board by the Commissioner ;
- (f) the establishment and management of pounds, including, where the 'Cattle Trespass Act, 1871, is in force, such functions of the Local Government and the Magistrate of the District under that Act as may be transferred to the district board by the Resident ;
- (g) the management of public ferries ;
- (h) the holding and management of fairs, agricultural shows, and industrial exhibitions ;
- (i) the maintenance of any building or other property vested in the Government or in the district board ; and
- (j) any other local works or measures likely to promote the health, comfort or convenience of the public.

¹ The Cattle Trespass Act is now in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*contd.****Joint Committees.*

14. (1) A district board may, from time to time, concur with any other district board, or with the committee of any municipality, or with more than one such board or committee, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to the joint committee any power which might be exercised by either the board or the committee or by any of the boards or committees, and in framing and modifying regulations as to the proceedings of the joint committee.

(2) If any difference of opinion arises between boards or committees acting under this section, the decision thereon of the Commissioner shall be final.

Relations between District Boards and Municipal Committees.

15. (1) All correspondence between the district board of a district and the committee of a municipality in the district shall pass through the office of the Deputy Commissioner.

(2) If, in any case not provided for in section 14, a difference of opinion arises between such board and committee, it shall be referred to the Deputy Commissioner, whose decision thereon shall be final.

Conduct of Business.

16. (1) Every district board and taluk board shall, from time to time, elect one of its members to be chairman, and another to be vice-chairman, for one financial year at all meetings at which they are present :

Provided that, when the Deputy Commissioner is a member of the district board, he shall be chairman, and when a tahsildar, or other officer superior in rank to a tahsildar, is a member of a taluk board, he shall be chairman of that board.

(2) If the chairman or vice-chairman dies, resigns, or becomes incapable of acting, the district board or taluk board shall elect another of its members to be chairman or vice-chairman, as the case may be, for the period during which the person so dying, resigning, or becoming incapable would have been entitled to continue in office, and no longer.

(3) An election under the foregoing provisions of this section shall not be valid until it is approved in the case of the chairman of a taluk board by the Commissioner, and in the case of the chairman of a district board by the Resident.

(4) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, the vice-chairman shall be chairman at the meeting, or, if the vice-chairman is absent therefrom, the members present shall appoint one of their number to be chairman thereat.

17. Every district board and, with the previous sanction of the district board, every taluk board may, from time to time, make regulations as to the time and place of its meetings, the conduct of proceedings at meetings, the appointment, powers, and proceedings of committees, and the persons by whom receipts may be granted on behalf of the board for money paid under this Law :

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Berar Rural Boards Law, 1885—*contd.*

Provided that every regulation made under this section must be consistent with this Law and with any rules made thereunder by the Resident.

Officers and Servants.

18. Every district board may employ such officers and servants as may be necessary and proper for the efficient execution of its duties and of the duties of the taluk boards in the district, and may assign to such officers and servants such pay as it thinks fit and as may be approved by the Commissioner.

Control of Commissioner over establishments. 19. If, in the opinion of the Commissioner,

(a) the number of persons employed by a district board under section 18, or the pay assigned by the district board to those persons, or to any particular person, is excessive, or

(b) any such person is unfit for his employment,

the district board shall, on the requirement of the Commissioner, reduce the number or pay, or, as the case may be, dismiss the unfit person.

Pensions and allowances of Government officials serving boards. 20. In the case of a Government official, a district board may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes¹ for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the board, contribute to his pension or gratuity and leave-allowances in such proportion as may be determined by the Government.

Pensions and allowances of others. 21. In the case of an officer or servant not being a Government official, a district board may—

(1) grant him leave-allowances and, if his monthly pay [does not exceed]² ten rupees, a gratuity; and

(2) if empowered in this behalf by the Resident,

(a) subscribe in his behalf for pension or gratuity and leave-allowances under the rules of the Government Civil Pension and Leave Codes¹ for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance, or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes¹ for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

¹ Read now the Civil Service Regulations.

² The words "does not exceed" were substituted for the words "is less than" by Notification No. 2900-I., dated the 23rd August, 1894, see *Gazette of India*, 1894, Pt. I, p. 479.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1 (b)-Special Local Laws—*contd.*The Berar Rural Boards Law, 1885—*contd.**Finance.*

22. (1) There shall be formed for each district a fund, to be called the district Constitution, vesting, and appli- fund, and there shall be placed to the credit there-
cation of district fund. of—

(a) the balance which may be available for expenditure in the district on the day on which the district board comes into existence, of—

(i) the fund, consisting of the surplus jaglia and local cess that had accumulated up to the thirty-first of March, 1882 ;

(ii) the town-fund including the surplus jaglia and local cess annually added thereto since the first of April, 1882, and the bazar-cess, to such amount as may, in the opinion of the Commissioner, fairly represent that portion of the balance of the fund which was levied beyond the limits of municipalities and of villages in which Book Circular XIV of 1881 is in force ;

(iii) the fund for the construction and maintenance of roads ; and

(iv) the fund for the establishment and maintenance of schools :

(b) the surplus, accruing after payment of all jaglia charges, of the jaglia and local cess levied in the district in respect of land situated beyond the limits of municipalities * * * * *¹ :

(c) the net proceeds of the town-fund assessment and bazar-cess levied in the district beyond ²[the limits of municipalities and civil stations :]

(d) the portion of the land-revenue set aside by the Government and the sums levied by the Government from jagirdars, for the construction and maintenance of roads in the district :

(e) the net proceeds of the cess levied in the district for the establishment and maintenance of schools :

and, subject to such exceptions and conditions as the Resident may, from time to time, make and impose, the following, namely :—

I of 1871.

(f) the surplus accruing in the district under section 18 of the Cattle Trespass Act, 1871,³ after deduction therefrom of expenses incurred in civil stations :

(g) the proceeds of public ferries managed by the district board :

(h) the sale proceeds of grass and of the produce of trees on the sides of roads and on other public ground under the control and administration of the district board, and of timber fallen or felled thereon :

(i) rents and profits accruing from Government property placed by the Resident under the management of the district board :

(j) receipts from property vested in the district board :

¹ The words " and of villages in which Book Circular XIV of 1881 is in force " were repealed with effect from the 1st April, 1892, by Notification No. 386-I., dated the 26th January, 1892, see *Gazette of India*, 1892, Pt I, p. 70, and Notification No. 36, dated the 10th February, 1892, see *Hyderabad Residency Orders*, 1892, Pt. I, p. 44.

² These words were substituted for the words " those limits " by the notifications quoted in the note immediately preceding

³ This Act is in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*The Berar Rural Boards Law, 1885—*contd.*

- (k) fines levied under section 34, Act V, 1861,¹ in respect of offences committed beyond the limits of municipalities {and civil stations :}²
- (l) all sums contributed to the district fund by the Government, local bodies or private persons : and
- (m) all other sums received by or on behalf of the district board in the carrying out of this Law.

(2) The district fund shall be vested in the district board and the balance standing to the credit of the fund shall be kept in the Government treasury of the district.

(3) The district fund shall be applicable to the payment, in whole or in part of the charges and expenses incidental to the several matters specified in sections 13, 18 20 and 21 within the area subject to the authority of the district board, and, with the sanction of the Resident, outside of that area, and also to the following purposes :—

- (a) the payment of school inspectors and normal school teachers appointed and controlled by the Government and employed in the district, and the provision of scholarships and prizes for schools in the district ; and
- (b) the payment of subordinate medical officers (including vaccinators) appointed by the Government and employed in the district ;
- ³[(c) and the payment of pensions earned wholly or in part before this Law came into force, and debitable under existing rules to any local fund which has been merged in the district fund under sub-section (1) of this section.]

Annual estimates of income and expenditure.

23. (1) Every district board shall appoint a finance committee consisting of not less than three of its number.

(2) Every district board shall, on or before the prescribed day in each year, hold a meeting at which the finance committee shall submit to the board, in form prescribed, an estimate of the income and expenditure of the board for the next financial year.

(3) The district board shall consider the estimate, and may provisionally approve of it, with or without modification.

(4) The district board shall, on or before the prescribed day, cause a copy of the estimate as provisionally approved by it to be sent to the Deputy Commissioner.

(5) The Deputy Commissioner may object to the estimate on the ground that any expenditure on salaries, works, or otherwise proposed therein, appears to him to be unnecessary or excessive, or that any particular contained therein appears to him to be erroneous, defective, or improper.

(6) If the Deputy Commissioner so objects, he shall signify his objections in writing to the district board ; if he does not so object, he shall signify his approval in like manner.

¹ This Act was applied to Berar by Notification No. 212-J., dated the 24th October, 1873, printed *supra*, p. 95.

² These words were added with effect from the 1st April, 1892, by Notification No. 386-L., dated the 26th January, 1892, see *Gazette of India*, 1892, Pt. I, p. 70, and Notification No. 36, dated the 10th February, 1892, see *Hyderabad Residency Orders*, 1892, Pt. I, p. 44.

³ Clause (c) was added by Notification No. 1659-L., dated the 12th May, 1893, see *Gazette of India*, 1893, Pt. I, p. 249.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*contd.***

(7) When the Deputy Commissioner signifies, under sub-section (6), objections to an estimate, the district board shall consider his objections and either modify the estimate so as to remove them, or refer the estimate, with the statement of objections, through the Deputy Commissioner, to the Commissioner; and the Commissioner shall signify to the district board his approval of the estimate, with or without such modifications as may be needed to remove the objections, wholly or in part, as he thinks fit.

(8) When the Deputy Commissioner or Commissioner has signified his approval of an estimate, or the district board has modified an estimate so as to remove the Deputy Commissioner's objections, no expenditure which is not provided for in the estimate as approved or modified, shall be incurred during the year to which the estimate relates without the previous sanction of the Commissioner:

(9) When the Deputy Commissioner is a member of the district board, the Commissioner shall take the place of the Deputy Commissioner for the purposes of this section; and the reference under sub-section (7) shall be to the Resident.

24. Accounts of the receipts and expenditure of every district board shall be made up to the last day of every financial year in such form as the Resident, from time to time, prescribes, and shall be examined and audited as soon as may be after the end of each financial year by such persons as the Resident from time to time appoints in this behalf.

25. The district board shall cause a copy of every estimate provisionally or finally approved under section 23, and of every account made up under section 24, to be kept at its office: and any person may at all reasonable times inspect any such estimate or account.

26. An abstract of every annual account of a district board showing the income of the district fund under each head of receipts, the charges for establishment, the works undertaken, the sums expended on each work, and the balance, if any, of the fund remaining unspent, shall be prepared by the district board in such form as the Resident from time to time prescribes, and published annually in the *Residency Orders*.

Control.

27. (1) The Deputy Commissioner of a district shall have power to supervise the proceedings of the district board, and of every taluk board or joint committee in the district, and in exercise of that power may (among other things)—

- (a) enter on and inspect, or cause to be entered on and inspected, any immoveable property occupied by the district board, taluk board, or joint committee, or any work in progress under its direction;
- (b) call for and inspect any document which may be for the purposes of this Law in the possession or under the control of the district board, taluk board or joint committee;
- (c) require the district board, taluk board, or joint committee to furnish such statements, accounts, and reports as he thinks fit; and
- (d) record in writing, for the consideration of any such board or committee, any observations he may think proper in regard to the proceedings or duties of the board or committee.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Berar Rural Boards Law, 1935—*contd.***

(2) Where a joint committee is appointed by the district boards of several districts, the Deputy Commissioner of any of those districts may exercise a like power in respect of the proceedings of that committee; but if any difference of opinion arises between two or more Deputy Commissioners acting under this sub-section, it shall be referred to the Commissioner.

(3) The power given under this section to a Deputy Commissioner in respect of a taluk board may be delegated by him to a subordinate not below the rank of an Extra Assistant Commissioner.

(4) When the Deputy Commissioner is a member of the district board, the powers given to him under this section shall, in respect of that board, vest in the Commissioner.

28. (1) If, in the opinion of the Deputy Commissioner, the execution of any order or resolution of a district board, taluk board, or joint committee, or the doing of any act which is about to be done, or is being done, in pursuance of or under cover of this Law, is likely to cause injury or annoyance to the public, or to any class or body of persons, or to lead to a breach of the peace, he may, by order in writing, suspend the execution or prohibit the doing thereof within his district.

(2) When a Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner a copy of the order, with a statement of the reasons for making it; and it shall be in the discretion of the Commissioner to rescind the order, or to direct that it continue in force, with or without modification, permanently or for such period as he thinks fit.

(3) The Commissioner shall forthwith submit to the Resident a report of every case occurring under this section; and the Resident may rescind or modify any order made therein, and make in respect thereof any other order which the Commissioner could have made in respect of the same.

29. (1) In cases of emergency the Deputy Commissioner may provide for the execution of any work, or the doing of any act which a district board or taluk board is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act, with a reasonable remuneration to the person appointed to execute or do it, shall be forthwith paid by the district board.

(2) If the expense and remuneration are not so paid, the Deputy Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

(3) The Deputy Commissioner shall forthwith report to the Commissioner every case in which he uses the powers given to him by this section.

30. (1) When the Commissioner is informed, on complaint made or otherwise, that a district board has made default in performing any duty imposed on it by or under this Law, the Commissioner, if satisfied after due enquiry that the district board has been guilty of the alleged default, may, by an order in writing, fix a period for the performance of that duty.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*The Berar Rural Boards Law, 1885—*contd.*

(2) If that duty is not performed within the period so fixed, the Commissioner may appoint some person to perform it, and may direct that the expense of performing it, with a reasonable remuneration to the person appointed to perform it, shall be forthwith paid by the district board.

(3) If the expense and remuneration are not so paid, the Commissioner may make an order directing the person having the custody of the balance of the district fund to pay the expense and remuneration, or as much thereof as is possible, from that balance.

31. (1) If a district board is not competent to perform, or persistently makes default in the performance of, the duties imposed on it by or under this Law or any other Law for the time being in force, or exceeds or abuses its powers, the Resident may, with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the *Residency Orders*, declare the board to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When the district board of a district is so superseded, the following consequences shall ensue :—

- (a) all members of the board and all members of the taluk boards of the district shall, as from the date of the order, vacate their offices as such members,
- (b) all powers and duties of the district board may, during the period of supersession, be exercised and performed by such person or persons as the Resident, from time to time, appoints in that behalf,
- (c) all property vested in the district board shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the order, the taluk boards and district board shall be re-established, and the persons who vacated their offices under clause (a) shall not be deemed disqualified for election, nomination, or appointment.

32. In all matters connected with this Law, the Commissioner shall have and exercise the same authority and control over Deputy Commissioners as he has and exercises over them in the general and revenue administration.

Rules.

33. The Resident may, from time to time, make rules consistent with this Law, and with reference (if necessary) to the varying circumstances of different local areas—

- (a) as to the constitution of the electoral bodies to elect the elective members of taluk boards, and as to the method and time of election of elective members of those boards and of district boards ;
- (b) as to the nomination of members of taluk boards, and the appointment of members of district boards ;
- (c) as to the term of office of members of taluk boards and district boards ;
- (d) as to the appointment, powers, and duties of committees of boards, the term of office of members of such committees, and the mode of removing them ;

CHAPTER III.—BERAR—*con'd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*contd.***

- (e) as to the conduct of proceedings of district boards and taluk boards, including the appointment of secretaries, the fixing of a quorum, the giving of the casting-vote in cases of equal division, the minimum number of meetings to be held, and the maximum interval between successive meetings, and the transmission to the Deputy Commissioner or Commissioner of copies of resolutions passed at meetings ;
- (f) as to the mode of entering into and executing contracts and transfers of property on behalf of district boards, and the authority on which money may be paid from the district fund.
- (g) as to the preparation of plans and estimates for works which are to be partly or wholly constructed at the expense of district boards, and as to the authority by which, and the conditions subject to which, such plans and estimates may be sanctioned ;
- (h) as to the accounts to be kept and the appointment and payment of auditors of those accounts ;
- (i) as to the returns, statements, and reports to be submitted by taluk boards and district boards, respectively ;
- (j) as to the appointment of the district fund between the general purposes of the district and the purposes of particular parts of the district, and the appropriation of funds raised in a particular area to the purposes of that area ;

* * * * *

- ²(k) generally, for the guidance of taluk boards, district boards, and officers of Government in all matters connected with the carrying out of this Law and for settling their relations to one another.

34. (1) The Resident shall, before making any rules under section 33, publish in such manner as may in his opinion be sufficient, for giving information to persons interested, a draft of the proposed rules together with a notice specifying a date at or after which the draft will be taken into consideration, and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under section 33 shall be published in the *Residency Orders* in English and in such other language or languages as the Resident may direct ; and such publication shall be conclusive proof that the rule has been made as required by this section.

Exceptional Provision.

35. If the circumstances of any district or taluk are, in the opinion of the Resident, such that any of the provisions of this Law are unsuited thereto, he may, by order in writing, except the district or taluk from the operation of those provisions ; and thereupon those provisions shall not apply to the

¹ Cl. (k) was repealed, with effect from the 1st April, 1892, by Notification No. 386-I., dated the 26th January, 1892, see *Gazette of India*, 1892, Pt. I, p. 70. and Notification No. 36, dated the 10th February, 1892, see *Hyderabad Residency Orders*, 1892, Pt. I, p. 44.

² For rules under cl. (1), see *Hyderabad Residency Orders*, 1897, Pt. I, p. 103.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*contd.***

excepted district or taluk until again applied thereto by a subsequent order of the Resident.¹

Supplemental Provisions.

86. Where any land is required for the purposes of this Law, the Resident may, on the request of the district board, proceed to acquire it under the provisions of the Land Acquisition Act, 1870;² and on payment by the district board of the compensation X of 1870 awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the land shall vest in the district board.

37. (1) If any member, officer, or servant of a district board, taluk board, or joint committee established or appointed under this Law is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with that district board, taluk board, or joint committee, he shall be deemed to have committed an offence under the Indian Penal Code,³ section 168, and shall be liable to removal XLV of 1860 from office by order of the Commissioner.

(2) A person shall not, by reason of being a shareholder in, or a member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and a board or joint committee; but he shall not take part in any proceedings of the board or joint committee relating to any such contract.

38. Every member of a taluk board or district board shall be liable for the loss, waste, or misapplication of any money or other property belonging to the district board, if such loss, waste, or misapplication is a direct consequence of his neglect or misconduct; and a suit for compensation may be instituted against him in any Court of competent jurisdiction by the district board with the sanction of the Commissioner, or by the Secretary of State for India in Council.

39. The Deputy Commissioner shall render to the district board annually, on or before the prescribed day, an account, in form prescribed, of the moneys payable into the district fund under section 22, sub-section (1), clauses (b), (c), (d), (e), (f), and (k).

40. The Resident may, from time to time, by notification published in the *Residency Orders*, prescribe in what instalments and at what times the jaglia and local cess, the town-fund assessments and bazaar-cess, the sums due from jagirdars for the construction and maintenance of roads, and the cess levied

¹ For instance of order issued under this section, see Notification No. 83, dated the 18th April, 1889, *Hyderabad Residency Orders*, 1889, Pt. I, p. 79.

² See now Act I of 1894, which was applied to Berar by Notification No. 1204-L, dated the 12th April, 1894, printed *supra*, p. 123.

³ Act XLV of 1860 (printed, General Acts, Vol. I, Ed. 1898, p. 240), is now in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Berar Rural Boards Law, 1885—*concl.***

for the establishment and maintenance of schools, shall be payable, and make rules for the collection thereof by village-officers or others.

[See *Gazette of India*, 1885, Pt. I, p. 595.]

The Berar Patels and Patwaris Law, 1885.

No. 10-I., dated the 1st January, 1886.—Whereas it is expedient to consolidate and amend the rules relating to the offices of patel and patwari in the Hyderabad Assigned Districts: His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders:—

1. (1) These orders may be called the Berar Patels and Patwaris Law, and are hereinafter referred to as “this Law.”

(2) This Law extends to the territories known as the Hyderabad Assigned Districts [except the Melghat taluk of the Ellichpur District]¹; and

(3) It shall come into force on the first day of January, 1886,* but not so as to affect anything done, or any proceedings commenced, before that day.

2. In this law, unless there is something repugnant in the subject or context, the expression “village” means an area for which the office of patel or patwari has been constituted, and includes a group of villages and the sub-division of a village known as a *khel*, where at the time of this law coming into force there is a separate patel for the sub-division, [and the expression “Deputy Commissioner” includes an Assistant Commissioner or Extra Assistant Commissioner empowered by the Resident to exercise all or any of the powers of a Deputy Commissioner under this Law.]²

3. (1) There shall not be more than one patel in a village if the duties of the office can be efficiently performed by one patel.

(2) If there are two or more patels in a village, the Deputy Commissioner shall, subject to the rules made under this Law, distribute the duties of the office among them in such manner as he deems fit.

4. The area comprised in the circle of a patwari at the time of this Law coming into force may, with the sanction of the Resident, be varied for the purpose of securing compactness, but for no other purpose.

5. (1) When the office of patel or patwari becomes vacant in any village except a village held on *jagir* or *palunpat* tenure, the Deputy Commissioner shall, subject to the provisions of this Law, and of the rules made under this Law, appoint a person to fill the vacancy.

(2) The Deputy Commissioner shall cause notice of the day on which he will take the appointment into consideration to be given to persons known to be interested therein, and on that day, or on any subsequent day to which an adjournment may be made, shall hear and record any statements those persons may desire to make

(3) The Deputy Commissioner shall, in making the appointment, have regard to the following matters, namely:—

(a) the law of inheritance applicable to the family by which the office is held;

¹ These words were added by Notification No. 2167-I., dated the 30th May, 1889, see *Gazette of India*, 1889, Pt. I, p. 306.

² This clause (definition of Deputy Commissioner) was inserted by Notification No. 330-I., dated the 21st January, 1891, see *Gazette of India*, 1891, Pt. I, p. 56.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Berar Patels and Patwaris Law, 1885—*contd.***

(b) the custom which has regulated previous tenure of the office, and
 (c) the physical, moral, mental, and educational fitness of the persons having any claim to the office,
 and shall not appoint a woman if a male relative of the late incumbent of the office exists.

(4) If there are two or more patels in a village, and there are two or more families or sub-divisions of a family which have enjoyed the right of service, the patels will ordinarily be selected from different families or sub-divisions.

(5) The Deputy Commissioner shall, where the appointment he may make has been opposed, record at length his reasons for deciding in favour of the persons whom he has appointed.

6. (1) In a village held on *jagir* or *palampat* tenure the *jagirdar* or *palampatdar* shall, on the occurrence of a vacancy, nominate the patel or patwari, and the Deputy Commissioner may appoint the nominee.

(2) If the *jagirdar* or *palampatdar* nominates a person not qualified to perform the duties of the office, or in the nomination disregards without sufficient reason the law of inheritance applicable to the family by which the office is held, or the custom which has regulated previous tenure of the office, the Deputy Commissioner shall refuse to appoint the nominee, and, if a proper person is not nominated within fifteen days from the date of the notice of the refusal being given to the *jagirdar* or *palampatdar*, shall himself appoint a person to the office as though the village were not held on *jagir* or *palampat* tenure.

¹ (3) If a *jagirdar* or *palampatdar* withholds payment of the emoluments of a patel or patwari of any village held by him in *jagir* or *palampat* tenure, the Deputy Commissioner may, on complaint being made to him, enforce payment of such emoluments by any of the means by which an arrear of land revenue may be recovered :

Provided as follows :—

(a) if the rate of such emoluments has been determined by mutual agreement between the parties, the Deputy Commissioner shall enforce payment at such rate ; and

(b) if no rate has been agreed upon, the Deputy Commissioner shall fix a fair rate according to the circumstances of the case, and enforce payment accordingly, subject to the condition that the Deputy Commissioner shall not fix a higher rate than that payable in a *khalsa* village.

7. (1) Patels and patwaris shall be appointed, subject to the condition of personal fitness, to hold office either for life, or for a term of not less than five or more than ten years.

(2) An appointment for a term of years shall not be made without the sanction of the Commissioner.

(3) Such an appointment may be sanctioned by the Commissioner in either of the following, but in no other cases :—

(a) Where it has been the custom, from the commencement of British administration in the Hyderabad Assigned Districts, for two or more families, or two or more sub-divisions of the same family, to hold office in rotation for successive periods ; or

¹ Cl. (3) to s. 6 was added by Notification No. 1232-I., dated the 18th April, 1890, see *Gazette of India*, 1890, Pt. I, p. 240.

CHAPTER III — BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Berar Patels and Patwaris Law, 1885—*contd.***

(b) where conflicting claims of two or more families, or of two or more sub-divisions of a family, are so evenly balanced as to be irreconcilable with the exclusive choice of any one family or sub-division.

(4) An appointment for a term of years may be made in recognition of the claims either of the particular person appointed, or of the family or sub-division of a family to which the person appointed belongs. In the latter case, if, before the expiration of his term of office, the person appointed dies, or becomes physically or mentally unfit to discharge his duties, his successor shall, subject to the condition of personal fitness, be selected from the same family or sub-division of a family, and shall hold office until the person whom he has succeeded would regularly have gone out of office, and shall then go out of office.

8. (1) An adult patel or patwari who is temporarily unable to perform his duties personally may, with the sanction of the Deputy Commissioner, appoint an agent to perform them for a period not exceeding one year.

(2) The mother of a minor patel or patwari, or, if he has no mother, the person who stands in the relation of guardian to him, may, with the sanction of the Deputy Commissioner, appoint an agent to act for him till such time as he attains his majority.

(3) A woman who holds the office of patel or patwari may, with the sanction of the Deputy Commissioner, appoint an agent to perform the duties of her office.

(4) The agent shall be a member of the same family or sub-division of a family as his principal, unless the Commissioner sanctions the appointment of some other person.

(5) The agent shall have the same powers, and be subject to the same liabilities, as his principal would have and be subject to if he were personally performing the duties of his office.

¹(6) If a person specified in sub-section (1), sub-section (2) or sub-section (3) of this section fails to appoint an agent as empowered by the sub-section, the Deputy Commissioner may appoint the agent which that person is so empowered to appoint.

9. (1) The emoluments appertaining to the office of patel or patwari shall be enjoyed solely by the person for the time being holding the office.

(2) If an agent is performing the duties of the office, his remuneration shall be regulated by arrangement between him and his principal or, as the case may be, between him and the mother of, or the person standing in the relation of guardian to, his principal.

(3) If there are two or more patels in a village, the Deputy Commissioner shall, subject to the rules made under this Law, determine the proportions in which they shall share in the emoluments of the office.

10. The emoluments appertaining to the office of patel or patwari shall not be liable to attachment or sale in satisfaction of a decree or order of any Civil or Revenue Court.

11. Every assignment of, and every charge on, and every agreement to assign or charge, any emoluments appertaining to the office of patel or patwari shall be void.

¹ Cl. (6) was added by Notification No. 2161-I. dated 24th June, 1886, see *Gazette of India*, 1886, Pt. I, p. 388.

CHAPTER III—BERAR—*cont'd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*cont'd.*****The Berar Patels and Patwaris Law, 1835 *cont'd.***

12. (1) The Deputy Commissioner may suspend a patel or patwari from office during enquiry into alleged misconduct, and may punish him for misconduct or neglect in the performance of his duties by suspension from office for a period not exceeding six months, or by fine not exceeding one-fourth of the annual emoluments of his office.

(2) A fine inflicted under this section may be recovered by distraint and sale of the moveable property of the offender.

13. The Deputy Commissioner may suspend or dismiss an agent for any misconduct or neglect, and may, with the sanction of the Resident, dismiss from office a patel or patwari, in case of fraud, the wilful framing of incorrect records, habitual neglect of duty, or other grave misconduct

14. When a patel or patwari, or an agent of a patel or patwari, is convicted by the Court of Session, or by the District Magistrate, of any offence in the discharge of his official duties, the Resident may direct that any title which the family of the patel or patwari who has been convicted, or whose agent has been convicted, may have to the office of patel or patwari, as the case may be, shall be forfeited, either temporarily or permanently, as the Resident deems fit

15. Before passing an order for the suspension or dismissal of a patel, patwari¹ or agent under section 12 or section 13, the Deputy Commissioner shall give him an opportunity of explaining the matters alleged against him, and shall record any statement he may desire to make.

16. Notwithstanding anything hereinbefore contained, a vacancy caused by the suspension or dismissal of a patel or patwari may, by order of the Deputy Commissioner, be filled for a period not exceeding six months in the case of suspension, or five years in the case of dismissal, without regard to the law of inheritance applicable to the family by which the office is held or to the custom which has regulated previous tenure of the office.

17. (1) An appeal shall lie to the Commissioner from any order passed under this law by a Deputy Commissioner.

(2) An appeal shall lie to the Resident from an appellate order of the Commissioner which reverses or modifies an order of the Deputy Commissioner.

(3) An appeal shall not be received by the Commissioner after the expiration of sixty days, or by the Resident after the expiration of ninety days from the date of the order complained of.

(4) The periods mentioned in sub-section (3), shall be computed in the manner prescribed in the Indian Limitation Act, 1877.¹

18. The Resident may from time to time call for and examine the record of any proceedings held under this law, and pass thereon any order consistent with this Law which he thinks fit.

19. Orders passed by the Resident under this Law shall be final.

20. A Civil Court shall not exercise jurisdiction with respect to any claim by any person to the office of patel or patwari, or to any emolument appertaining to the office, or on account of any injury caused by exclusion from the office:

¹ This Act is now in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III. —BERAR—*contd.***B.—British-Berar Enactments—1 (b)—Special Local Laws—*contd.*****The Berar Patels and Patwaris Law, 1885—*concl.***

Provided that nothing in this section shall be held to prohibit a Civil Court from entertaining a suit for a decree declaratory of social rights appertaining to any person by reason of his connection with a family by which the office of patel or patwari is held.

21. The Resident may from time to time make rules consistent with this Law—

- (a) prescribing the educational qualifications of persons to be appointed patels or patwaris ;
- (b) defining and distributing the duties of patels and prescribing the duties of patwaris ;
- (c) regulating the division of emoluments between patels, where there are two patels in a village, and distribution of emoluments among patels where there are more than two patels in a village ;
- (d) prescribing the mode of service of notices under this Law ;
- (e) regulating procedure of the Commissioner and of Deputy Commissioners under this Law ; and
- (f) generally, for the guidance of the Commissioner and of Deputy Commissioners in all matters connected with the carrying out of this Law.

[See *Gazette of India*, 1886, Pt. I, p. 4.]

Berar Forest Law, 1886.

No. 3766-I., dated 22nd October, 1886.—Whereas it is expedient to amend the law relating to forests in the Hyderabad Assigned Districts; the Governor General in Council has been pleased to make the following rules:—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (1) These rules may be called the Berar Forest Law, 1886, and are hereinafter referred to as “this Law.”

(2) This Law extends to the whole of the Hyderabad Assigned Districts :

Provided that the Resident may, by notification in the Residency Orders, exempt any place in those Districts from the operation of the whole or any part of it ; but not so as to affect anything done or any offence committed, or any fine or penalty incurred, or any proceedings commenced, in that place before the exemption ; and

(3) It shall come into force on such day as the Resident may, by Notification in the Residency Orders, direct.¹

2. On and from that day the rules published in the notification of the Government of India in the Department of Revenue, Agriculture and Commerce, No. 520, dated the

25th October, 1871, shall be repealed, but not so as to affect anything done, or any

¹ See Resident's Notifications Nos. 171 and 172, dated 1st June, 1892, bringing this and the amending law into force with effect from the 15th June, 1892, *Hyderabad Residency Orders*, 1892, Supplement, p. 350.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

offence committed, or any fine or penalty incurred or any proceedings commenced, before that day.

Definitions.

3. In this Law, unless there is something repugnant in the subject or context,—

(1) "Resident" means the Resident at Hyderabad:
 (2) "Deputy Commissioner" means the chief executive revenue-officer of the district:

(3) "State-forest" means—

(a) a forest which, under rule 8 of the rules published in the Notification of the Government of India, No. 520, dated the 25th October, 1871, was declared to be, and at the time of this Law coming into force was, a State forest; and

(b) any land which may be constituted a State forest under section 4 of this Law:

(4) "Forest-officer" means any person appointed by name, or as holding an office, by or under the orders of the Governor General in Council or the Resident, to be a Conservator, Deputy Conservator, Assistant Conservator, Sub-Assistant Conservator, Forest-ranger, Forester, or Forest-guard, or to discharge any function of a Forest-officer under this Law or any rule thereunder:

(5) "tree" includes [palms, bamboos, stumps, brushwood and canes;]¹

(6) "timber" includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not:

² (7) "forest-produce" includes—

(a) the following, whether found in or brought from a forest or not, that is to say—

timber, charcoal, caoutchouc, catechu, woodoil, resin, natural varnish, bark, lac and myrabolams, and

(b) the following, when found in or brought from a forest, that is to say—

(i) trees and leaves, flowers and fruits, and all other parts or produce not hereinbefore mentioned of trees,

(ii) plants not being trees (including grass, creepers, reeds and moss), and all parts or produce of such plants,

(iii) wild animals and skins, tusks, horns, bones, silk, cocoons, honey and wax, and all other parts or produce of animals, and

(iv) peat, surface soil, rock and minerals (including limestone, laterite, mineral oils, and all products of mines or quarries):

(8) "forest-offence" means an offence punishable under this Law:

(9) "cattle" includes also elephants, camels, buffaloes, horses, mares, geldings, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids: and

¹ These words were substituted by Notification No. 5020-I., dated the 23rd December, 1891, see *Gazette of India*, 1891, Pt I, p. 700.

² This clause (7) was substituted for the original clause by the Notification cited in the preceding footnote.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

(10) "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by the Resident to try forest-offences.

CHAPTER II.

STATE FORESTS.

4. (1) The Resident may, by notification in the Residency Orders, declare any
 Constitution of State forests. woodland, ramna, permanent grazing ground or other land which is the property of Government and is not already a State forest, to be a State forest from a date to be fixed in the notification.

¹(2) The notification shall specify as nearly as possible the situation and limits of the land in respect of which the declaration is made:

Provided that, in the case of lands of which a survey map has been prepared, the notification may specify, in lieu of the aforesaid particulars, the survey-numbers of the land.

(2a) From the date fixed in any such notification, the land shall be deemed to be a State forest.

(3) The Deputy Commissioner shall, before that date, cause a translation of the notification in the language of the country to be published in the towns and villages in the neighbourhood of the land.

5. Whenever a State forest is not bounded by a road, stream or other existing
 Demarcation of State forests. well defined boundary-mark, it shall be demarcated by cleared lines, or in such other manner as the Resident may direct.

6. No right of any description adverse to Government shall be acquired in or
 Bar of acquisition of rights over a State forest by lapse of time or otherwise than under a grant or contract in writing made by, or on behalf of, the Government.

7. (1) In any State forest the Conservator may, from time to time, with the
 Power to close roads and pathways. previous sanction of the Resident, determine what roads and pathways shall be authorized for public traffic, and cause all other roads and pathways to be closed either permanently or for a time only.

(2) The Conservator shall cause public notice to be given of the closing of any existing road or pathway.

Penalties for trespass or damage
 in State forests.

8. Any person who in a State forest—

(a) trespasses, or pastures cattle, or permits cattle to trespass off any road or pathway authorized for public traffic, or

(b) causes any damage by negligence in felling any tree or cutting or dragging any timber, or

¹ This sub-section was substituted for the original sub-section by Notification No. 5020-I., dated the 23rd December, 1891, see *Gazette of India*, 1891, Pt. I, p. 700.

CHAPTER III —BERAR—*contd*B. British-Berar Enactments—1. (b)-Special Local Laws—*contd*.Berar Forest Law, 1883—*contd*.

(c) lops, notches, strips off the leaves from or otherwise damages any tree,
or

(d) hunts, shoots, fishes, poisons water, or sets traps or snares,

shall be punished with fine which may extend to fifty rupees, or, when the damage resulting from his offence amounts to more than twenty-five rupees, to double the amount of such damage.

Acts prohibited in State forests.

9. Any person who—

(a) sets fire to a State forest, or

¹(b) in contravention of any rules made by the Resident, kindles any fire or leaves any fire burning,

or who in a State forest—

(c) kindles, keeps or carries any fire except at such seasons, and in such manner, as a forest-officer specially empowered in this behalf may from time to time notify, or

(d) fells, girdles, marks, taps, strips off the bark from, or uproots or burns any tree, or

(e) quarries stone or moorum, burns lime or charcoal, or collects, subjects to any manufacturing process or removes any forest produce, or

(f) makes any dhya, or clears, cultivates or breaks up any land for cultivation or any other purpose,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both, and shall also be liable to pay such sum as compensation for damage done to the forest as the convicting Court may direct.

Acts excepted from prohibitions contained in sections 8 and 9.

10. (1) Nothing in section 8 or section 9 shall be deemed to prohibit any act done—

(a) with the permission of a forest-officer specially empowered to give such permission; or

(b) in pursuance of any permission granted by the Resident; or

(c) in accordance with any rules made by the Resident with the previous sanction of the Governor General in Council.

(2) The permission of the forest-officer referred to in clause (a) of sub-section (1) shall be in writing, and shall only authorize the doing of some particular act on some particular occasion.

(3) The permission referred to in clause (b) of that sub-section may be a general permission to a person to pasture his cattle, or to collect and remove any forest-produce for the use of himself and his family, but not for the purposes of trade.

(4) The rules referred to in clause (c) of that sub-section may be applied by

¹ This cl. (b) of s. 9 was substituted for the original clause by Notification No. 5020 I., dated the 23rd December, 1891, see *Gazette of India*, Pt. I, p. 700.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Forest Law, 1836—*contd.***

the Resident, by notification in the Residency Orders, to all or any State forests or to any part of a State forest, and may with respect thereto,—

- (i) regulate the cutting, sawing, conversion and removal of trees and timber, the cutting of grass and pasturing of cattle, and the collection and removal of forest produce ;
- (ii) regulate the quarrying of stone or moorum, the boiling of cutch and the burning of lime or charcoal ;
- (iii) regulate hunting, shooting, fishing, poisoning water, and setting traps or snares ;
- (iv) prescribe, or authorize any forest-officer to prescribe, subject to the control of the Resident, the fees, royalties or other payments for timber or other forest-produce, and the mode in which such fees, royalties or other payments shall be levied, whether in transit, or partly in transit, or otherwise.

(5) The Resident may cancel any permission given by a forest-officer or withdraw any privilege granted by himself, and may, by notification in the Residency Orders, cancel or modify, with the previous sanction of the Governor General in Council, all or any rules made under this section.

11. (1) The Resident may, with the previous sanction of the Governor General in Council, by notification in the Residency Orders, direct that, from a date fixed by such notification, any State forest or any portion thereof shall cease to be a State forest.

(2) From the date so fixed such forest or portion shall cease to be a State forest.

CHAPTER III.

FOREST-PRODUCE IN TRANSIT.

12. The Conservator may, subject to the control of the Resident, establish stations for the examination of timber and other forest-produce, and for the collection of dues leviable in respect of the same, within the limits of or outside any State forest.

13. (1) No timber or other forest-produce shall be taken out of any State forest, except by a route on which such a station has been established, or of which the use for the removal of timber or other forest-produce has been specially authorized by the Conservator.

(2) A full description of every such route shall be fixed up by the forest-officer in charge of the forest-division in the towns and villages in the neighbourhood of the forest served by the same.

14. (1) No timber or other forest-produce, whether the produce of a State forest or of other land, shall be taken along any route authorized for the removal of timber or other forest-produce under section 13, unless covered by a pass issued by a forest-officer whom the Conservator has duly authorized in that behalf, or by the owner of the land, as the case may be.

(2) Such pass shall state the quantity and kind of timber or other forest-produce so taken, and the marks, if any, which it bears.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1-(b) Special Local Laws—*contd*Berar Forest Law, 1886—*contd.*

15. Any person who contravenes the provisions of section 13 or section 14 shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Penalties for breach of provisions of sections 13 and 14.

Power to exempt from operation of sections 13 and 14.

16. A general exemption from the operation of section 13 or section 14 or both sections—

(a) with respect to any class of timber or other forest-produce, or

(b) with respect to all timber or other forest-produce, in favour of the inhabitants of any specified locality,

may be granted by a forest-officer specially empowered in this behalf.

CHAPTER IV.

CATTLE-TRESPASS.

17. Cattle trespassing in a State forest shall be deemed to be cattle doing damage to a public plantation within the meaning of the Cattle-trespass Act, 1871, section 11, and may be seized and impounded as such by any forest-officer or police-officer.

18. The Resident may, by notification in the Residency Orders, direct that, in lieu of the fines fixed by section 12 of the aforesaid Act, there shall be levied for each head of cattle impounded under section 17 of this Law such fines as he thinks fit, but not exceeding the following (that is to say) :—

	Rs.	A.
For each elephant	10	0
For each buffalo or camel	2	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow or heifer	1	0
For each calf, ass, pig, ram, ewe, sheep, lamb, goat or kid	0	8

CHAPTER V.

PENALTIES AND PROCEDURE.

19. (1) When there is reason to believe that a forest-offence has been committed in respect of any timber or other forest-produce, such timber or produce, together with all tools, boats, carts and cattle used in committing such offence, may be seized by any forest-officer or police-officer.

(2) Every officer seizing property under this section shall place thereon, or on the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made :

¹ This Act is now in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed, *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.(b) Special Local Laws—*contd.*****Berar Forest Law, 1886—*contd.***

Provided that, when the timber or other forest-produce with respect to which such offence is believed to have been committed is the property of Government, and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

20. Upon the receipt of any such report, the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

21. (1) When any person is convicted of a forest-offence, all timber or other forest-produce in respect of which such offence has been committed, and all tools, boats, carts and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

(2) Such confiscation may be in addition to any other punishment prescribed for the offence.

22. When the trial of any forest-offence is concluded, any timber or other forest-produce in respect of which such offence has been committed shall, if it is the property of Government, or has been confiscated, be taken possession of by a forest-officer specially empowered in this behalf, and may, in any other case, be disposed of in such manner as the Court may order.

23. (1) When the offender is not known or cannot be found, the Magistrate enquiring into the offence, if he finds that an offence has been committed, may, on application in this behalf, order the property in respect of which the offence has been committed to be confiscated and taken possession of by a forest-officer specially empowered in this behalf, or to be made over to such forest-officer or other person as the Magistrate considers entitled to receive the same:

Provided that no such order shall be made until the expiration of one month from the date of the seizure of such property, or without hearing the person (if any) claiming any right thereto and the evidence (if any) which he may produce in support of his claim.

(2) The Magistrate shall either cause a notice of any application under this section to be served upon any person whom he has reason to believe to be interested in the property seized, or publish such notice in such manner as he thinks fit.

24. The Magistrate may, notwithstanding anything hereinbefore contained, direct the sale of any property seized under section 19 which is subject to speedy and natural decay, and may deal with the proceeds as he might have dealt with the property itself if it had not been sold.

25. Any person claiming to be interested in property seized under section 19 may, within one month from the date of any order passed by a Magistrate under section 21, section 22 or section 23, present an appeal therefrom to the Court to which orders made by such Magistrate are ordinarily appealable, and the orders passed on such appeal shall be final.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

26. When an order for the confiscation of property has been passed under section 21 or section 23, and no appeal from such order has been presented within the period prescribed by section 25, or when, on an appeal being presented, the Appellate Court confirms such order in respect of the whole or a portion of the property, such property or portion, as the case may be, shall vest in the Government free from all incumbrances.

27. Nothing hereinbefore contained shall be deemed to prevent any officer specially empowered in this behalf from directing at any time the immediate release of any property seized under section 19, and the withdrawal of any charge made in respect of such property.

XLV of 1860.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary marks.

28. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code,¹—

- (a) knowingly counterfeits upon any timber or standing tree a mark used by forest-officers to indicate that such timber or tree is the property of the Government or of some person, or that it may lawfully be cut or removed by some person; or
 - (b) unlawfully affixes to any timber or standing tree a mark used by forest-officers; or
 - (c) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a forest-officer; or
 - (d) alters, moves, destroys or defaces any boundary-mark of any State forest
- shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

29. (1) Any forest-officer or police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence if such person refuses to give his name or residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe that he will abscond.

(2) Every officer making an arrest under sub-section (1) shall, without unnecessary delay, take or send the person arrested before a Magistrate having jurisdiction in the case [or to the officer in charge of the nearest police station.²]

30. (1) Any forest-officer or police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Law, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

¹ This Act is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² These words in sub-s. (2) of s. 29 were added by Notification No. 5020-I., dated the 23rd December, 1891, see *Gazette of India*, 1891, Pt. I, p. 700.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

(2) Any fine so imposed, or any portion thereof, shall, if the convicting Magistrate so direct and the fine or portion be recovered, be given, subject to the direction of the last paragraph of section 545 of the Code of Criminal Procedure,¹ as compensation to the person aggrieved by such seizure or arrest. X of 1882.

31. Every forest-officer and police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.
Power to prevent commission of offence.

32. Nothing in this Law shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any other or higher punishment or penalty than that provided by this Law :
Operation of other laws not barred.

Provided that no person shall be punished twice for the same offence.

² 33. The Resident may, by notification in the Residency Orders, empower any forest-officer by name, or as holding any office, —
Power to compound offences.

(a) to accept from any person against whom a reasonable suspicion exists that he has committed any forest-offence, other than an offence specified in section 28 or section 30, a sum of money by way of compensation for the offence which such person is suspected to have committed, and

(b) when any property has been seized as liable to confiscation, to release the same on payment of the value thereof as estimated by such officer and may withdraw any power so conferred.

(2) On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the suspected person, if in custody, shall be discharged, the property, if any, seized shall be released, and no further proceedings shall be taken against such person or property.

(3) No forest-officer of rank inferior to that of a ranger or in receipt of a monthly salary not amounting to one hundred rupees, shall be empowered under this section; and the sum of money accepted as compensation under sub-section (1), clause (a), shall in no case exceed the sum of fifty rupees.

34. When in any proceedings taken under this Law, or in consequence of anything done under this Law, a question arises as to whether any timber or other forest-produce is the property of the Government, such timber or produce shall be presumed to be the property of the Government, until the contrary is proved.
Presumption that timber or forest-produce belongs to Government.

35. Any person contravening any provision of this Law shall, if no special penalty is provided for the breach of the provision, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.
Penalties for offences in respect of which special penalties have not been prescribed.

¹ See now the Code of Criminal Procedure, 1898 (V of 1898), which is force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² S 33 was substituted for the original section by Notification No. 5020-I., dated the 23rd December, 1891, see *Gazette of India*, 1891, Pt. I, p. 700.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

CHAPTER VI.

FOREST-OFFICERS.

Resident may invest forest-officers with certain powers.

36. (1) The Resident may invest any forest-officer by name, or as holding an office, with all or any of the following powers (that is to say):—

of 1882.

- (a) the powers of a Civil Court to compel the attendance of witnesses and the production of documents;
- (b) power to issue search-warrants under the Code of Criminal Procedure¹;
- (c) power to hold enquiries into forest-offences, and in the course of such enquiries to receive and record evidence;
- (d) power to notify the seasons and manner in which fire may be kindled, kept or carried in a State forest;
- (e) power to grant the permission referred to in section 10, sub-section (1), clause (a);
- (f) power to grant general exemptions under section 16;
- (g) power to take possession of property under sections 22, 23, and 43;
- (h) power to direct the release of property and withdrawal of charges under section 27;

* * * * *

and may withdraw any powers so conferred.

(2) Evidence recorded under clause (c) of this section shall be admissible in any subsequent trial of the alleged offender before a Magistrate:

Provided that the evidence has been taken in the presence of the accused person, and recorded in the manner provided by section 355, section 356 or section 357 of the Code of Criminal Procedure.¹

of 1882.

LV of 1860. vants. Forest-officers deemed public ser-

37. All forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code.³

38. No suit or criminal prosecution shall lie against any public servant for anything done or omitted to be done by him in good faith under this Law.

39. Except with the permission in writing of the Resident, no forest-officer shall, as principal or agent, trade in timber or other forest-produce, or be or become interested in any lease or mortgage of any forest, or in any contract for working any forest whether in British or foreign territory.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in Berar, in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

² Cl. (c) was repealed by Notification No. 5020-I., dated the 23rd December, 1891, see *Gazette of India*, 1891, Pt. I, p. 700

³ The Indian Penal Code (Act XLV of 1860) is in force in Berar in virtue of the notification quoted in the first footnote.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

CHAPTER VIII.

SUPPLEMENTAL PROVISIONS.

Additional power to make rules. 40. The Resident may make rules consistent with this Law—

- (a) to declare by what forest-officer or class of forest-officers the powers or duties conferred or imposed by or under this Law on a forest-officer shall be exercised or performed;
- (b) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Law, or from the public treasury; and
- (c) generally to carry out the provisions of this Law.

41. Every person who is permitted by a forest-officer, or to whom the privilege has been granted by the Resident, to pasture cattle in, or to collect and remove any forest-produce from, a State forest, and

Persons bound to give information and assistance to forest-officer and police-officer.

every person who is employed by any such person in such forest; and every person in any village contiguous to such forest who is employed by the Government, or who receives emoluments from the Government for services to be performed to the community,

shall be bound to furnish, without unnecessary delay, to the nearest forest-officer or police-officer, any information he may possess respecting the occurrence of a fire in or near such forest, or the commission of, or intention to commit, any forest-offence, and shall assist any forest-officer or police-officer demanding his aid—

- (a) in extinguishing any fire occurring in such forest;
- (b) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest;
- (c) in preventing the commission in such forest of any forest-offence; and
- (d) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

42. (1) The provisions of sections 63, 63, 69 and 70 of the Indian Penal Code¹, XLV of 1860, and of sections 386 and 387 of the Code of Criminal Procedure,² shall apply to all fines imposed under this Law.

Recovery of fines and other money due to Government.

(2) All money, other than fines, payable to the Government under this Law, or under any rule made hereunder, or on account of the price of any timber or other forest-produce, or of expenses incurred in the execution of this Law in respect of such timber or produce, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land-revenue.

¹The Indian Penal Code (Act XLV of 1860) is now in force in Berar in virtue of Notification No. 1811-I. B., dated the 1st July, 1898; printed *supra*, p. 39.

²See now the Code of Criminal Procedure, 198 (Act V of 1898), which is in force in Berar in virtue of the notification quoted above.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1.-(b) Special Local Laws—*contd.*Berar Forest Law, 1886—*contd.*

43. (1) When any such money is payable for, or in respect of, any forest-produce, the amount thereof shall be deemed to be a first charge on such produce; and the produce may be taken possession of by a forest-officer specially empowered in this behalf, and may be retained by him until the amount has been paid.

(2) If the amount is not paid when due, the forest-officer may sell the produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

(3) The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

143A. When any person, in compliance with any rule under this Law, binds himself by any instrument to perform any duty or act, or covenants by any instrument that he, or that he and his servants and agents, will abstain from any act, the whole sum mentioned in such instrument as the amount to be paid in case of a breach of the conditions thereof may, notwithstanding anything in section 74 of the ¹Indian Contract Act, 1872, be recovered from him in case of such breach as if it were an arrear of land-revenue.

44. The Government shall not be responsible for any loss or damage which may occur in respect of any timber or other forest-produce while at a station established under section 12, or while detained elsewhere for the purposes of this Law; and no forest-officer shall be responsible for any such loss or damage unless he causes the same negligently, maliciously or fraudulently.

45. Whenever it appears to the Resident that any land is required for any of the purposes of this Law, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section 4.²

46. All rules made by the Resident under this Law shall be published in the Residency Orders, and shall thereupon have the force of law.

47. All powers conferred by this Law on the Resident may be exercised from time to time as occasion requires.

[See *Gazette of India*, 1886, Pt. I, p. 632.]

Berar Municipal Law, 1886.

No. 3938-I., dated the 5th November, 1886.—Whereas it is expedient to make better provision for the organization and administration of Municipalities in the

¹ S 43A was inserted by Notification No. 5020-I., dated the 23rd December, 1891, see *Gazette of India*, 1891, Pt. I, p. 700.

² The Indian Contract is in force in these Districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1893, printed *supra* p. 39.

³ See now the Land Acquisition Act, 1894 (I of 1894) which was applied to Berar by Notification No. 1204-I., dated the 12th April, 1894, printed *supra*, p. 123.

CHAPTER III — BERAR—*contd.***B-British-Berar Enactments—1-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

Hyderabad Assigned Districts, His Excellency the Viceroy and Governor General in Council is pleased to issue the following orders :—

CHAPTER I.

PRELIMINARY.

Short title, local extent and commencement.

1. (1) These orders may be called the “Berar Municipal Law, 1886,” and are hereinafter referred to as “this Law.”

(2) This Law extends to the Hyderabad Assigned Districts ; and

(3) It shall come into force on the first day of January, 1887.

(4) Any power conferred by this Law to make rules or issue orders may be exercised at any time after the publication of this Law in the *Gazette of India*, but a rule or order so made or issued shall not take effect until this Law comes into force.

Definitions.

2 In this Law, unless there is something repugnant in the subject or context,—

(1) “committee” means a municipal committee constituted under this Law :

(2) “municipality” means a local area to which this Law has been applied under section 4 or section 5 :

(3) “Honorary Magistrate” means a Magistrate who holds no salaried office in any department of the Government service :

(4) “Resident” means the Resident at Hyderabad :

(5) “inhabitant” includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property in a municipality or in a local area to which the Resident has by notification declared his intention to apply this Law :

(6) “street” includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway :

(7) “owner” includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society, or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant :

(8) “notification” means a notification published by authority of the Resident in the Residency Orders :

(9) “notified” means published as aforesaid : and

(10) “prescribed” means prescribed by rules made by the Resident under this Law.

3. (1) The Resident may, by notification and in such other manner as he may from time to time determine, declare his intention to apply this Law to any town or to any group of towns in the immediate neighbourhood of one another.

Notification of intention to apply this Law.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1-(b) Special Local Laws—*contd.*Berar Municipal Law, 1886—*contd.*

(2) Every notification under this section shall define the limits of the town or group of towns to which it refers, and may include within those limits any railway station, village, building or land in the vicinity of any such town :

Provided that it shall not, without the previous consent of the Governor General in Council, so include any part of a military cantonment.

4. (1) Any inhabitant of a local area in respect of which a notification has been published under section 3 may, if he objects to the application of this Law, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take his objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (1), the Resident may, by notification, apply this Law to the local area.

5. The Resident may, by notification, apply this Law to any local area which is a municipality established under Act IV of 1873,¹ and shall, within three months from the date on which this Law comes into force, so apply it to every such local area unless before the expiration of that period—

(a) this Law has been applied under section 4 to some local area in which that local area is comprised ; or

(b) the Resident has declared, by notification, that the provisions of this Law are unsuited to that local area.

CHAPTER II.

ORGANISATION OF MUNICIPAL COMMITTEES.

Constitution of Committees.

6. There shall be established for each municipality a municipal committee having authority over that municipality and consisting of—

(a) so many elected members as may be determined in manner prescribed, representing the whole municipality or wards of the municipality ; and

(b) such person or persons (if any), not exceeding in number one-fourth of the committee, as the Resident may, subject to rules made under this Law, appoint in this behalf.

7. (1) The Magistrate of the district within which any municipality is situate shall, within one month from the date on which this Law has been applied to the municipality under section 4 or section 5, issue notices in writ-

¹ That is, the Punjab Municipal Act, 1873 (IV of 1873), which is now repealed in the Punjab by the Repealing and Amending Act, 1891 (XII of 1891), printed, General Acts, Vol. V, Ed. 1893, p. 32.

² The law has been applied to the following towns :—

(1) Amraoti, (2) Akola, (3) Khamgaon, (4) Shegaon, (5) Akot, (6) Ellichpur. (7) Bassim, see Resident's Notification No. 22, dated the 10th February, 1887, Hyderabad Residency Orders, 1887, Pt. I, p. 17.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

ing to the persons mentioned in section 8, inviting them to meet at a time and place specified in the notices for the purpose of preparing and submitting, within such further time not exceeding three months from date of the meeting as the Resident may fix in this behalf, proposals for determining the system of representation and election to be established in this municipality.

(2) The Resident may, for special reasons, grant an extension, not exceeding one month, of the time fixed under this section for submitting proposals.

Persons to be invited to meeting. 8. Notices under section 7 shall be issued to the following persons, namely :—

- (a) all Honorary Magistrates having jurisdiction within the limits of the municipality ;
- (b) when the municipality comprises any local area for which a municipal committee has been appointed under Act IV of 1873,¹ the members of that committee ; and
- (c) any leading residents of the municipality not included under the foregoing clauses, who in the opinion of the District Magistrate should be allowed to take part in the discussion.

9. The persons who meet in compliance with the notices issued under section 7 shall consider and shall, within the time limited under that section, submit through the District Magistrate to the Resident, proposals regarding the following matters, namely :—

- (a) the treatment of the municipality as a whole for the purposes of representation, or the division of the municipality into wards ;
- (b) the number of representatives proper for the municipality or for each ward ;
- (c) the qualifications of electors and of candidates for election ;
- (d) the registration of electors ;
- (e) the nomination of candidates, the time of election and the mode of recording votes ; and
- (f) any other matters regarding the system of representation and of election which it may seem to the meeting expedient to consider.

10. (1) The Resident shall, after taking into consideration the proposals (if any) submitted under section 9, make rules regulating the matters referred to in that section, and may in making such rules direct that the breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

(2) The Resident may, after the committee has come into existence as hereinafter provided, amend, after consulting the committee, the rules made under this section; but no amendment made under this sub-section shall take effect until six months after it has been published in the Residency Orders.

(3) Elective members of the committee shall be elected in accordance with the rules made under this section and for the time being in force.

¹ See note on preceding page.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

11. (1) The term of office of a member of a committee shall be fixed by the Resident by rule made under this Law, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

The term of office of member of committee.

(2) An outgoing member shall, if otherwise qualified, be again eligible for election or appointment.

12. A member of a committee may resign by notifying in writing his intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Resignation of member.

Powers of Resident as to removal of members. 13. (1) The Resident may remove any member of a committee—

(a) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or is declared insolvent, or is convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be a member ;

(b) if he has been declared by notification to be disqualified for employment in the public service ;

(c) if he, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of the committee ;

(d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order ; or,

(e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(2) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

14. (1) When the place of an elected member of a committee becomes vacant by his resignation, removal, death or otherwise, a new member shall be elected in manner prescribed to fill the place :

Filling of casual vacancies.

Provided that the Resident may, subject to the limitation of the proportion of appointed members of the committee fixed by section 6, clause (b), direct in any such case that the vacancy shall be left unfilled.

2) When the place of an appointed member of a committee becomes vacant as aforesaid, the Resident may, if he thinks fit, but subject to the rules made under this Law, appoint a new member to fill the place.

(3) A person elected or appointed under this section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office, but shall be again eligible for election or appointment.

15. Every committee shall be a body corporate by the name of the committee of its municipality, shall have perpetual succession and a common seal, with power to acquire and

Incorporation of committee.

CHAPTER III—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

hold property, both moveable and immoveable, and, subject to the rules made under this Law, to transfer any property held by it, and to contract and to do all other things necessary for the purposes of its constitution, and may sue and be sued in its corporate name.

Time for committees coming into existence.

16. A committee shall come into existence at such time as the Resident may, by notification, appoint in this behalf.

17. (1) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area which is a municipality under Act IV of 1873,¹ the following consequences shall ensue, namely :—

- (a) the said Act IV of 1873¹ shall cease to apply to the local area ;
- (b) the committee (if any) constituted under that Act for the local area shall cease to exist ;
- (c) all property vested in the old committee shall, for the purposes of this Law, vest in the committee constituted under this Law (hereinafter called the new committee) subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting, that property ;
- (d) every right and liability belonging to or incurred by the old committee may be enforced by and against the new committee in like manner as it might have been enforced by and against the old committee if this Law had not been passed ;
- (e) a Government officer employed by the old committee at the time when the new committee comes into existence shall be deemed to be similarly employed by the new committee, and shall not be dismissed from that employment without the sanction of the Resident ; and
- (f) the new committee shall be substituted for the old committee in all legal proceedings by or against the old committee pending at the time when the new committee comes into existence.

(2) When a committee comes into existence under section 16 for a municipality constituted under this Law, and that municipality comprises within its limits a local area in which Book Circular No. XIV of 1881 is in force, that Book Circular shall cease to have effect in that local area, and the committee constituted under that Book Circular for that local area shall cease to exist.

Chairman and Vice-Chairman.

18. A committee shall, from time to time, at a special meeting, elect as its chairman one of its own members or some other person qualified for election as a member, and that member or other person so elected shall, if the election is approved by the Resident, but not otherwise, become chairman of the committee:

Provided that—

- (a) if the office of chairman remains vacant for three months from the date of

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

the first meeting of the committee, or, in the case of a vacancy afterwards occurring, from the occurrence of that vacancy, and no person is within that period elected under this section to fill it, the Resident may in his discretion appoint such person as he thinks fit by name or by virtue of office to be chairman ; and

- (b) in such municipalities as the Resident may, from time to time, by notification, exempt from the operation of this section, the Resident may, from time to time, appoint such person as he thinks fit by name or by virtue of office to be chairman.

19. In every municipality the committee shall, from time to time, at a special meeting, elect one or two of its members to be its
Election of vice-chairman. vice-chairman or vice-chairmen.

Term of office of chairman and vice-chairman.

20. (1) The term of office of a member of the committee elected to be chairman shall be the residue of his term of office as member.

(2) The term of office of any other person elected to be chairman, or of a chairman appointed by the Resident, shall be such term not exceeding three years as the Resident may by rule prescribe.

(3) The term of office of a vice-chairman shall be one year :

Provided that, when at the time of his election as vice-chairman the residue of his term of office as member of the committee is less than one year, his term of office as vice-chairman shall be the residue of his term as member.

(4) An outgoing chairman or vice-chairman shall, if otherwise qualified, be again eligible for election or appointment.

21. (1) A chairman of a committee may resign by notifying in writing his
Resignation of chairman or vice-chairman. intention to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

(2) A vice-chairman of a committee may resign by notifying in writing his intention to do so to the committee, and, on his resignation being accepted by the committee, he shall be deemed to have vacated his office.

22. The Resident may remove any chairman or vice-chairman of a committee
Removal of chairman or vice-chairman. from his office as such chairman or vice-chairman if he refuses to act, or becomes incapable of acting, or is declared an insolvent, or is convicted of any such offence, or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be chairman or vice-chairman, or if he, without sufficient excuse, neglects for more than three consecutive months to be present at the meetings of the committee.

23. (1) If an elected chairman or a vice-chairman dies or resigns his office, or is removed, a new chairman or vice-chairman shall be
Casual vacancies in office of chairman or vice-chairman. elected or appointed in manner provided by section 18 or section 19, as the case may be.

(2) If a chairman appointed by the Resident dies, resigns his office or is removed, the Resident shall appoint another chairman.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

(3) A person elected or appointed under the section to fill a casual vacancy shall hold office until the person whose place he fills would regularly have gone out of office, and shall then go out of office ;

Provided that, if a person so elected is a member of the committee at the time of his election, he shall go out of office on ceasing to be a member.

(4) A person going out of office under sub-section (3) shall, if otherwise qualified, be again eligible for election or appointment.

24. When a person not already a member of the committee is elected or Chairman to become member if appointed chairman, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of his election or appointment, and shall continue to be a member so long as he holds office as chairman :

Notification of Elections, Appointments and Vacancies.

Notification of elections, appointments and vacancies.

25. Every election and appointment of a member or chairman of a committee and every vacancy in the office of member or chairman shall be notified.

Joint Committees.

26. (1) A committee may, from time to time, concur with any other municipal committee, or with a district board, or with a cantonment authority, or with more than one such committee, board or authority, in appointing, out of their respective bodies, a joint committee for any purpose in which they are jointly interested, and in appointing a chairman of the joint committee, and in delegating to any such joint committee any power which might be exercised by either or any of the committees, boards or authorities, and in framing and modifying regulations as to the proceedings of any such joint committee, and as to the conduct of correspondence relating to the purpose for which the joint committee is appointed.

(2) If any difference of opinion arises between committees, boards or authorities acting under this section, the decision thereon of the Commissioner shall be final.

Conduct of Business.

27. (1) A committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 34.

(2) The chairman, or, in his absence, a vice-chairman, may, whenever he thinks fit, and shall upon a requisition made in writing by not less than one-fifth of the members of the committee, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

28. (1) A meeting of a committee shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless it is required by this Law, or the rules made under this Law, to be transacted at a special meeting.

Quorum.

29. (1) The quorum necessary for the transaction of business at a special meeting of a committee shall be one-half of the whole committee.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1.-(b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

(2) The quorum necessary for the transaction of business at an ordinary meeting of a committee shall be such number or proportion of the members of the committee as may, from time to time, be fixed by the rules made under section 34 :

Provided that, if at any ordinary or special meeting of the committee a quorum is not present, the chairman shall adjourn the meeting to such other day as he thinks fit, and the business which would have been brought before the original meeting if there had been a quorum present shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

30. (1) At every meeting of a committee the chairman, if present, shall preside.

(2) If, when any meeting is held, the office of chairman is vacant, or the chairman is absent from the meeting, and a vice-chairman is present, such vice-chairman, or, when two vice-chairmen are present, the senior of them by date of appointment, shall preside.

(3) In any case not provided for in the foregoing portion of this section, the members present shall elect one of their number to be chairman of the meeting.

31. (1) Except as otherwise provided by this Law, or by any rule made by the

Vote of majority decisive.

Resident under this Law, all questions which may come before any meeting of a committee shall be decided by the majority of the votes of the members present.

(2) In case of an equality of votes, the chairman of the meeting shall have a second or casting vote.

32. The Civil Surgeon, the Executive Engineer and the Inspector of Schools

Certain officers entitled to attend shall be entitled to attend any meeting of the committee, and to address the committee on any matter affecting respectively sanitation, public works and public instruction.

33. (1) Every resolution passed by a committee at a meeting shall be recorded

Resolutions to be recorded and in a book kept for the purpose, shall be signed by the chairman of the meeting or the next ensuing meeting, and shall be published in some local English or vernacular newspaper, or in such other manner as the Resident may direct.

(2) A copy of every resolution passed by a committee at a meeting shall within ten days from the date of the meeting, be forwarded to the District Magistrate.

34. (1) Every committee may, from time to time, at a special meeting, make

Power to make rules as to meetings and proceedings. rules consistent with this Law, and any rules made under this Law by the Resident as to—

(a) the time and place of its meeting ;

(b) the manner of convening ordinary and special meetings, respectively, and of giving notice thereof ;

(c) the quorum necessary for the transaction of business at ordinary meetings ;

(d) the conduct of proceedings at meetings, and the adjournment of meetings ;

(e) the division of duties among the members of the committee ;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1 (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

(f) the persons by whom receipts may be granted on behalf of the committee for money paid under this Law; and

(g) all other similar matters.

(2) Every rule made under this section shall be published in such manner as the Resident may direct.

Officers and Servants.

35. (1) Every committee shall, from time to time, at a special meeting, appoint one or more of its members, or, with the sanction of the Commissioner, any other person or persons, to be its secretary or secretaries, and may at a like meeting remove any person so appointed.

(2) If a person who is an officer in the service of the Government, and who is not a member of the committee, is appointed secretary, he shall, notwithstanding anything in the foregoing sections, become a member of the committee by virtue of such appointment, and shall continue to be a member of the committee as long as he holds the office of secretary.

(3) When a member of the committee is appointed to be secretary, he shall receive no remuneration in respect of his services. In other cases the committee may, with the previous sanction of the Commissioner, assign to a secretary such pay as it thinks fit.

36. Subject to the other provisions of this Law, and to such rules as the Resident may make prescribing the qualifications requisite in the case of persons appointed to offices requiring professional skill, a committee may employ, in addition to its secretary or secretaries, such other officers and servants as may be necessary or proper for the efficient execution of its duties, and may assign to such officers and servants such pay as it thinks fit.

Pensions of Government officials 37. In the case of a Government official a committee may—

(1) if his services are wholly lent to it, subscribe for his pension or gratuity and leave-allowances in accordance with the rules of the Government Civil Pension and Leave Codes for the time being in force; and

(2) if he devotes only a part of his time to the performance of duties in behalf of the committee, make a contribution on account of his pension or gratuity and leave-allowances in such proportion as may be determined by the Resident.

Pensions of others. 38. In the case of an officer or servant not being a Government official, a committee may—

(1) grant him leave-allowances, and if he is employed under a committee constituted under Act IV of 1873 when this Law comes into force, and is not entitled to pension, or if his monthly pay [does not exceed]² ten rupees, a gratuity; and

¹ That is, the Punjab Municipal Act, 1873. It is repealed in the Punjab by the Repealing and Amending Act, 1891 (XII of 1891), printed, General Acts, Vol. I, Ed. 1898, p. 32.

² These words were substituted for the words "is less than" by Notification No. 3142-I, dated the 23rd September, 1895, see *Gazette of India*, 1895, Pt. I, p. 794.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Municipal Law, 1886—*contd.*

(2) if empowered in this behalf by the Resident—

(a) subscribe on his behalf for pension or gratuity under the rules of the Government Civil Pension Code for the time being in force; or

(b) purchase for him from the Government or otherwise an annuity on his retirement:

Provided that no pension, gratuity, leave-allowance or annuity shall exceed the sum to which, under the Government Civil Pension and Leave Codes for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

39 (1) A committee may delegate to one or more of its members the power of entering into, on its behalf, any contract whereof the value or amount does not exceed two hundred rupees.

(2) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the committee at a meeting.

40. (1) Every contract made by or on behalf of a committee whereof the value or amount exceeds twenty rupees, shall be in writing.

(2) Every such contract shall be signed by the chairman or a vice-chairman and a secretary:

Provided that the committee may delegate to one or more of its members the power of executing any contract which he is or they are empowered to enter into under section 39, sub-section (1).

(3) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the committee.

CHAPTER III.

TAXATION.

Taxation.

41. (1) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, and to any rules made by the Resident under this Law, a committee may, from time to time, for the purpose of this Law and in the manner by this Law directed, impose in the whole or any part of the municipality any of the following taxes, namely:—

(a) with the previous sanction of the Resident—

(a) a tax on buildings and lands situate within the municipality, not exceeding seven-and-a-half per centum on the annual value of the buildings and lands;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

- (b) a tax on persons practising any profession or art, or carrying on any trade * * * *^{*1} in the municipality ;
- (c) a tax on all or any vehicles, boats, animals used for riding, driving, draught or burden, and dogs, kept within the municipality ;
- (d) a tax on vehicles and animals used as aforesaid entering the municipality ;
- (e) a tax on menial and domestic servants ;
- (f) an octroi on animals for slaughter, or goods, or both, brought within the municipality for consumption or use therein ; and

(B) with the previous sanction of the Resident and of the Governor General in Council, any other tax.

(2) In this section "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let :

Provided that, in the case of land which is assessed to land-revenue, or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so directs, be deemed to be double the amount of the land-revenue for the time being assessed on the land, or, when the land revenue has been wholly or in part released, compounded for, redeemed or assigned, double the amount which, but for such release, composition, redemption or assignment, would have been assessable as land-revenue.

42. When a committee has, in exercise of the powers conferred by this Law, provided for the performance, with regard to any buildings or lands by its agents, of the duties usually performed by sweepers, it may, with the previous sanction of the Resident, in the manner by this Law directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Law, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit :

Provided that in fixing the rate or amount regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

43. (1) Besides the taxes mentioned in the foregoing sections, a committee, with the previous sanction of the Resident, may, for the purpose of constructing or maintaining works for the supply of water to the municipality, or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Law directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(2) The rate or amount of the tax so imposed on different buildings or land may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works and to their level ; but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purpose.

¹ The words "or calling" were repealed by Notification No. 486-I.B., dated the 18th February, 1898, see *Gazette of India*, 1898, Pt. I, p. 145.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

44. (1) A committee may, at a special meeting, pass a resolution to propose the imposition of any tax under section 41, section 42 or section 43.

Procedure in imposing taxes.

(2) When such a resolution has been passed, the committee shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed, and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the notice, submit his objection in writing to the committee; and the committee shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if such objection, having been considered as aforesaid, is deemed insufficient, the committee may forward its proposals to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident, on receiving such proposals, may sanction the same, or refuse to sanction them, or return them to the committee for further consideration.

(6) When the Resident sanctions any such proposals which require the further sanction of the Governor General in Council, he shall submit the same to the Governor General in Council, with the objections (if any) received through the committee; and the Governor General in Council may sanction the proposals, or refuse to sanction them, or return them to the Resident for further consideration.

(7) When the proposals of a committee have been sanctioned by the Resident, or by the Resident and the Governor General in Council, as the case may be, the committee may, at a special meeting, direct the imposition of the tax in accordance with such proposals.

(8) In giving such direction the committee shall fix a date from which the tax shall come into force:

Provided that—

(a) no tax shall come into force until it has been notified;

(b) no tax leviable by the year shall come into force except at the commencement of the year by which it is leviable; and

(c) no other tax shall come into force less than one month from the date of the meeting at which its imposition is directed.

(9) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

45. A committee may, by resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to abolish or reduce taxes.

46. (1) A committee may exempt, in whole or in part, from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

Power to exempt from taxation.

(2) A committee may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may by order, exempt in whole or in part from the payment of any such tax any person or class of persons, or any property or description of property.

CHAPTER III.—BERAR—*contd***B-British-Berar Enactments—1. (c)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

47. (1) If at any time it appears to the Resident, on complaint made or otherwise, that any tax imposed under the foregoing section is unfair in its incidence, or that the levy thereof or of any part thereof is injurious to the interests of the general public, he may require the committee to take within a specified period measures to remove the objection, and, if within that period the requirement is not complied with to the satisfaction of the Resident, the Resident may by notification suspend the levy of the tax or of such part thereof until the objection has been removed.

(2) The Resident may at any time, by notification, rescind any such suspension.

48. No tax imposed under this Law shall be invalid merely for defect of form; and it shall be enough in any such tax on property or any assessment of value for the purpose of any such tax if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

49. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the committee, with the previous sanction of the Resident, may, by rule, from time to time, direct.

50. For all sums paid on account of any tax under this Law, a receipt stating the amount and the tax on account of which it is paid shall be given by the person receiving the same, on request by the person making the payment.

51. (1) An appeal against the assessment or levy of any tax under this Law shall lie to the District Magistrate, unless he is a member of the committee, in which case the appeal shall lie to the Commissioner or other officer empowered by the Resident in this behalf.

(2) The order of the appellate authority shall be final.

52. (1) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the notice prescribed by section 58, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the committee before the appeal is preferred.

53. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Law is provided.

CHAPTER III.—BERAR—*con'd***B.-British-Berar Enactments—1. (b -Special Local Laws—*contd.*****Berar Municipal Law, 1886 *contd.***

54. All taxes leviable in any local area under Act IV of 1873, at the time when a committee having authority over that local area comes into existence under this Law, shall, so far as their imposition and assessment are consistent with this Law and within the powers conferred thereby, be deemed to have been imposed and assessed under this Law.

Taxes leviable under Act IV of 1873 to be deemed to be taxes under this Law.

Taxes on Immoveable Property.

55. (1) The committee shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared, containing—

Preparation of assessment-list.

- (a) the name of the street or division in which the property is situate ;
- (b) the designation of the property, either by name or by number, sufficient for identification ;
- (c) the names of the owner and occupier, if known ;
- (d) the annual value on which the property is assessed ; and
- (e) the amount of the tax assessed thereon by the committee.

(2) For the purpose of preparing the list, the committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

56. When the assessment-list has been completed, the committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected ; and every person claiming to be either owner or occupier of any property included in the list, or the agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Publication of notice of assessment.

57. (1) The committee shall at the same time give public notice of a time, not less than one month from the publication of the notice, when it will proceed to revise the valuation and assessment ; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

Public notice of time fixed for revising assessment-list.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

58. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard, either in person or by authorized agent as they think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the committee, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein ; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the whole year by which it is leviable next following that in which the assessment is made.

Settlement of list.

(2) The list, when amended under this section, shall be deposited in the committee's office, and shall there be open during office hours to inspection by all

CHAPTER III. - BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

owners and occupiers of property comprised therein, and a public notice that it is so open shall forthwith be published.

59. (1) The committee may at any time amend the list by inserting the name of any person whose name ought to be inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been insufficiently valued or assessed through mistake, oversight or fraud, after giving notice to any person interested in the amendment, of a time not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent; as he thinks fit.

60. It shall be in the discretion of the committee to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

61. (1) When a tax payable under section 41, sub-section (1), clause (a), or under section 42 or section 43, is payable in one sum in respect of an entire year, and the property in respect of which it is payable is unoccupied throughout the year, or when such a tax is payable in instalments and the property is unoccupied throughout the period in respect of which an instalment is payable, the amount payable in respect of the property for the year, or the instalment, as the case may be, shall be remitted:

Provided that it shall be in the discretion of the committee to direct that no remission shall be granted unless notice in writing of the vacancy has been given to it within such time from the beginning of the year or of the period as it may, from time to time, fix in this behalf.

(2) When in any case not provided for by the foregoing part of this section a building in respect of which a tax is payable under section 41, sub-section (1), clause (a), or under section 42 or section 43, is wholly or in great part demolished or destroyed by fire or otherwise, the committee may remit such proportion of the tax as it thinks equitable.

62. (1) A tax payable under section 41, sub-section (1), clause (a), shall be paid by the owner of the property in respect of which it is payable.

(2) A tax payable under section 42 or section 43 shall be paid by the occupier of the property in respect of which it is payable.

63. (1) When any sum is due on account of a tax payable under this Law in respect of any property by the owner thereof, the committee shall cause a bill for the amount, stating the property and the period for which the charge is made, to be presented to the person liable to pay the same.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

(2) If the bill is not paid within one month from the presentation thereof, the sum due shall be deemed to be an arrear of tax.

(3) The amount of every such arrear may be recovered, on application made in this behalf by the committee to the Deputy Commissioner, as if the property were an estate assessed to land-revenue and the arrear were an arrear of such revenue due thereon :

Provided that nothing in this sub-section shall authorise the arrest of a defaulter.

Octroi and Tolls.

64. If any person bringing or receiving a conveyance or package within the octroi-limits of a municipality in which octroi is leviable, refuses, on the demand of an officer authorised by the committee in this behalf, to permit the officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, the officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

65. Every person bringing or receiving within the octroi-limits of any municipality any article on which octroi is payable shall, when required by an officer authorised by the committee in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(a) permit that officer to inspect, examine, weigh and otherwise deal with the article ; and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

66. Every officer demanding octroi by the authority of the committee shall tender to every person introducing or receiving any article on which the tax is claimed a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

67. (1) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is chargeable, or any vehicle or animal on which the toll is chargeable, or any part of its burden of sufficient value to satisfy the demand.

(2) The committee may cause any property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid, after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale :

Provided that, by order of the chairman or a vice-chairman, articles of a perishable nature which could not be kept for five days without serious risk of damage may be sold after the lapse of such shorter time as the chairman or vice-chairman may, having regard to the nature of the articles, think proper.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Municipal Law, 1886—*contd.*

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of municipal fund.

68. There shall be formed for each municipality a municipal fund, and there shall be placed to the credit thereof—

- (a) all sums received by or on behalf of the committee under this Law or otherwise;
- (b) all fines realized in cases in which prosecutions are instituted under this Law¹ or the rules made hereunder, or under section 34 of Act V of 1861,¹ for offences committed within the municipality; and
- (c) when there has been included within the municipality any municipality constituted under Act IV of 1873, the balance (if any) standing at the credit of the municipal fund of that municipality at the time when the committee comes into existence.

Application of fund.

69. (1) The committee shall set apart and apply annually out of the municipal fund—

- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it;
- (b) *secondly*, such sum as may be required to meet the charges of its own establishment, including such subscriptions, contributions and payments as are referred to in sections 37 and 38, and such sum as may be required for the maintenance of a police-establishment under Chapter V;
- (c) *thirdly*, such sum as may be required to pay the expenses of pauper lunatics sent to public asylums from the municipality, the expenses incurred in auditing the accounts of the committee, and such portion of the cost of the Provincial Departments for Education, Sanitation, Vaccination, Medical Relief and Public Works as may be held by the Resident to be equitably debitable to the committee in return for services rendered to it by those Departments.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the committee, the municipal fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the municipality, and, with the sanction of the Commissioner, outside the municipality when such application of the fund is for the benefit of the inhabitants of the municipality, namely:—

- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, embankments, drains, latrines, tanks and water-courses;
- (b) the watering and lighting of such streets or any of them;
- (c) the construction, establishment and maintenance of schools, hospitals, and dispensaries, and other institutions for the promotion of education or

¹ This Act was applied by Notification No. 212-J., dated the 24th October, 1873, printed *supra*, p. 105.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

for benefit of the public health, and of rest-houses, serais, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions ;

- (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper-asylums and other educational or charitable institutions ;
- (e) the training of teachers and the establishment of scholarships ;
- (f) the giving of relief and the establishment and maintenance of relief-works, in time of famine or scarcity ;
- (g) the supply, storage and preservation from pollution of water for the use of men or animals ;
- (h) the planting and preservation of trees ;
- (i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any other sanitary measure ;
- (j) the holding of fairs and industrial exhibitions ; and
- (k) all acts and things likely to promote the safety, health, welfare or convenience of the inhabitants.

Custody of Municipal Fund

70. (1) In places where there is a Government treasury or sub-treasury, the municipal fund shall be kept in the treasury or sub-treasury.

(2) In places where there is no such treasury or sub-treasury, the municipal fund may be deposited with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Resident may in each case think sufficient.

71. (1) A committee may, from time to time, with the previous sanction of the Resident, invest any portion of its municipal fund in securities of the Government of India or

such other securities as the Governor General in Council may, from time to time approve in this behalf, and vary such investments for others of a like nature.

(2) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the municipal fund.

Management of public institutions.

72. The management, control and administration of every public institution maintained out of the municipal fund shall vest in the committee :

Provided that the extent of the independent authority of the committee in respect of any such institution may be prescribed by the Resident.

CHAPTER V.

MUNICIPAL POLICE.

73. Every committee shall maintain a police-establishment for watch and ward

Police-establishment.

and the prevention and suppression of nuisances within the municipality, and for the enforcement of this Law and the rules made thereunder, and of the orders of the committee.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Municipal Law, 1886—*contd.*

74. The establishment maintained under section 73 shall, as the committee with the approval of the Resident may direct, be either a body of watchmen or a part of the general police force under the Local Government within the meaning of section 2 of Act V of 1861¹; and it shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions as the committee may, from time to time, after consultation with the District Magistrate and the Commissioner, and subject to the final decision of the Resident, direct.

75. If the establishment maintained under section 73 is a body of watchmen, the watchmen shall be appointed and promoted, and shall be liable to dismissal, suspension, reduction or fine, under such rules as the Resident may make in this behalf; and shall perform such duties, and be liable to such penalties, as may be prescribed with the sanction of the Governor General in Council.

76. If the establishment is part of the general police force, the Resident may, notwithstanding anything contained in Act V of 1861¹ or in any other Act for the time being in force, define the duties which the officers and men of the establishment may or may not be required to perform.

77. In any municipality in which section 34 of Act V of 1861 is in force, every watchman under this Law shall have the powers of a police-officer under that section.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

78. When any land is required for a new street or for the improvement of an existing street, the committee may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

79. The committee may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or permanently close any such street.

80. The committee may grant permission in writing for the temporary occupation of any street or of any land under its control or management, for the purpose of depositing any building materials or making any temporary excavation therein or erection therein, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the

¹ See note on p. 201.

CHAPTER III.—BERAR — *contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

neighbourhood, and may charge fees for such permission, and may at its discretion withdraw the permission.

81. The committee may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

82. (1) The committee at a meeting may cause a name to be given to any street, and to be affixed on any building in such place as it thinks fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such names or number, or puts up any different name or number from that put up by order of the committee, shall be punished with fine which may extend to twenty rupees.

83. The committee at a meeting may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials, unless with the permission of the committee in writing; and the committee may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed as it may think fit.

84. (1) If any building or part of a building projects beyond the regular line of a street, either existing or determined on for the future, or beyond the front of the building on either side thereof, the committee may, whenever the building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice require the building or part, when being re-built, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back shall become part of the street and shall vest in the committee:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The committee may, on such terms as it thinks fit, allow any building to be set forward for the improvement of the line of the street.

85. (1) Every person intending to erect or re-erect any building shall, if required to do so by rule made by the committee in this behalf, give notice in writing of his intention to the committee, and shall, if required to do so, submit a plan showing the levels at which the foundation and lowest floor are proposed to be laid, and specifications of the works intended to be constructed, and the materials to be used, and shall obey all written directions consistent with this Law given by the committee within one month after receiving such notice, either prohibiting the erection or re-erection, if deemed likely to be injurious to the inhabitants of the neighbourhood, or in respect of all or any of the matters following, namely:—

(a) free passage or way in front of the building;

(b) space to be left about the building to secure free circulation of air and facilitate scavenging;

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

- (c) ventilation and drainage;
- (d) level and width of foundation, level of lowest floor and stability of structure; and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street:

Provided that the committee shall make full compensation to the owner for any damage he may sustain in consequence of the prohibition of the erection or re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) If any such building is begun or erected without giving notice, or without submitting particulars as aforesaid, when required, or in a contravention of the legal orders of the committee issued within one month, the committee may by notice require the building to be altered or demolished as it may deem necessary.

Explanation.—The expression “erect any building” includes all additions and alterations which involve new foundations or increased superstructure on existing foundations, or the conversion into a dwelling-house of any building not originally constructed for human habitation, or the conversion into more than one dwelling-house of a building originally constructed as one dwelling-house only.

86. (1) It shall not be lawful, unless with the written permission of the committee, for the owner or occupier of any building in a street to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroaching on the street or into or on any drain, sewer or aqueduct therein.

(2) The committee may, by notice, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof if the same overhang or projects into or encroaches on any street, or projects into or encroaches on any drain, aqueduct or sewer in the street:

Provided that, in the case of a projection, encroachment or obstruction being lawfully in existence at the time of the passing of this Law, the committee shall make reasonable compensation to any person who suffers damage by the removal or alteration.

(3) The committee may give written permission to the owners or occupiers of buildings in streets to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement-wall, and at a height from the level of the ground or street, to be specified in the written permission.

Bathing and Washing places.

87. The committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for washing animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.****Deposit of Offensive Matter and Slaughter-places.*

88. The committee may fix places within, or, with the approval of the District Magistrate, beyond the limits of the municipality, for the deposit of refuse, rubbish or offensive matter of any kind, or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be removed along any street and deposited at such places.

89. (1) The committee may, with the approval of the District Magistrate, fix and abolish places, either within or without the limits of the municipality, for the slaughter of animals for sale, or of any specified description of such animals, and may, with the like approval grant and withdraw licenses for the use of such places, or, if they belong to the committee, charge rent or fees for the use of the same.

(2) When such places are fixed by the committee beyond municipal limits, it shall have the same power to make rules for the inspection and proper regulation of the same as if they were within those limits

(3) When any such place has been fixed, no person shall slaughter any such animal for sale within the municipality at any other place.

(4) Whoever slaughters any such animal at any other place for sale within the municipality, shall be punished with fine which may extend to twenty rupees.

Burial and Burning Places.

90. (1) The committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed, from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(2) Private burial-places in such burial grounds may be excepted from the notice, subject to such conditions as the committee may impose in this behalf.

Provided that the limits of such burial-places are sufficiently defined, and that they shall only be used for the burial of members of the family of the owners thereof.

(3) No burial or burning ground, whether public or private, shall be made or formed after the passing of this Law without the permission in writing of the committee.

(4) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, he shall be punished with fine which may extend to fifty rupees.

Removal of corpses.

91. The committee may, by public notice, prescribe routes for the removal of corpses to burial or burning places.

Inflammable materials.

92. The committee may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stacking or collecting dry inflammable materials.

CHAPTER III. - BERAR—*contd.***B.—British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

93. (1) The committee, by any person authorised by it in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drains, privies or cesspools are situated, inspect any such drains, privies or cesspools at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened where the committee or person may think fit for the purpose of preventing or removing any nuisance arising from the drains, privies or cesspools.

(2) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the committee may direct; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be borne by the committee.

94. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset, enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally limewashed, disinfected or otherwise cleansed for sanitary reasons.

95. The committee, by any person authorised by it in this behalf, may, after giving twenty-four hours' notice to the occupier, or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

- (a) enter on and survey and take levels of any land;
- (b) enter, inspect and measure any building for the purpose of valuation; or
- (c) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains, or of executing or repairing any work which it is by this Law empowered to execute or maintain.

96. The committee, by any person authorised by it in this behalf, may, at any time between sunrise and sunset, enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

97. The committee, by any person authorised by it in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink, etc., and to seize unwholesome articles exposed for sale.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1888—*contd.***

slaughter-house, or for the sale of drugs, and inspect and examine any food or drink, drug or animal which may be therein ; and, if any article of food or drink or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption ;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof and for his orders as to its disposal.

98. (1) The committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands, or of any drains, privies, cesspools or other receptacles for offensive matter pertaining to buildings or land.

(2) Such provision may be made in respect of individual buildings or lands, or of buildings or lands generally in any ward or part of the municipality.

(3) Nothing in this section or section 42 shall be deemed to preclude the committee from making provision of a different nature for different buildings or lands, or different wards or parts of the municipality, and charging scavenging-tax, at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(4) When the committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties ; and the committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

99. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers ; and before any apartment in the actual occupancy of any woman, who, according to custom, does not appear in public, is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

100. The committee may, by notice, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for rain-water. Troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same so as not to inconvenience persons passing along the streets.

101. (1) The committee may, by notice, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools, which should, in its opinion, be provided for the building, in such manner as the committee directs.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

(2) The committee may, by notice, require any persons employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(3) The committee may, by notice, require the owner or occupier of any building or land to have any privy provided for the same, shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the committee directs, any door or trapdoor of a privy opening on to any street or drain.

102. (1) The committee may, by notice, require the owner or occupier of any building or land to repair or alter and put in good order any drain, privy or cesspool, or to close any cesspool belonging thereto.

Repair and closing of drains, privies and cesspools.

(2) The committee may, by notice, require any person who constructs any new drain, privy or cesspool without its permission in writing, or contrary to its directions or rules or to the provisions of this Law, or who constructs, rebuilds or opens any drain, privy or cesspool which it has ordered to be demolished or stopped up or not to be made, to demolish the drain, privy or cesspool, or to make such alteration therein as it thinks fit.

103. The committee may, by notice, require any person who without its permission in writing newly erects or rebuilds any building over any public sewer, drain, culvert, watercourse or water-pipe to pull down or otherwise deal with the same as it thinks fit.

Unauthorized buildings over drains, etc.

104. The committee may, by notice, require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, to remove or close the same within one week.

Removal of latrines, etc., near any source of water-supply.

105. The committee may, by notice, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool or excavation therein, which appears to the committee to be injurious to health or offensive to the neighbourhood :

Power to require drainage, etc., of unwholesome tanks, etc.

Provided that, if for the purpose of effecting any drainage under this section it is necessary to acquire any land not belonging to the person who is required to drain his land, or to pay compensation to any other person, the committee shall provide the land or pay the compensation.

Dangerous Buildings and Places.

106. If any building, or any wall, tank or other excavation is for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the committee may, by notice, require the owner or occupier thereof to repair, protect or enclose the same ; and, if it appears to it to be necessary in order to prevent imminent danger, it shall forthwith take such steps as are necessary to avert the danger.

Power to require buildings, wells tanks, etc., to be secured.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

107. If any building, wall or structure or anything affixed thereto is deemed by the committee to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall or structure as the committee considers necessary for the public safety ; and, if it appears to it to be necessary in order to prevent imminent danger, the committee shall forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in unsanitary condition.

108. The committee may, by notice, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appears to the committee to be injurious to health or offensive to the neighbourhood.

109. The committee may, by notice, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon, which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

110. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the committee may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

111. If any building appears to the committee to be unfit for human habitation in consequence of the want of proper means or drainage or ventilation or other sufficient reason, the committee may, by notice, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be so used until the committee is satisfied that it has been rendered fit for such use.

112. The committee may, by notice, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time fixed in the notice.

113. (1) The Resident may, on the report of the Sanitary Commissioner that the cultivation of any description of crop, or the use of any kind of manure, or the irrigation of land in any specified manner in any place within the limits of any municipality is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure or the irrigation so reported to be injurious, or regulate it by imposing such conditions thereon as may prevent the injury :

Provided that, when on any land to which the notification applies that description of crop has been cultivated, that kind of manure has been used, or irrigation has

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

been practised in that manner during the five years preceding the notification with such continuity as the ordinary course of husbandry admits of, compensation shall be paid from the municipal fund to all persons interested in that land for any damage caused to them by the prohibition or regulation.

(2) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (1), he shall be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Offensive and Dangerous Trades.

Regulation of offensive and dangerous trade.

114. (1) The owner or occupier of every place within the municipality used for any of the following purposes, namely :—

- melting tallow ; or
- boiling bones, offal or blood ; or
- as a soap-house, oil-boiling house, dyeing-house or tannery ; or
- as a brick kiln, pottery or lime kiln ; or
- as any other manufactory or place of business from which offensive or unwholesome smells arise ; or
- as a yard or depot for trade in hay, straw, thatching-grass, wood or coal, or other dangerously inflammable material ; or
- as a store-house for kerosine, petroleum, naphtha or any inflammable oil, spirit or explosive substance ;

shall register the same in a book to be kept by the committee for the purpose.

(2) No place shall be newly used for any of the said purposes except under a license from the committee, which shall be renewable annually.

(3) The license shall not be withheld unless the committee considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(4) The committee may charge fees for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(5) Whoever, without such registration or without a license, uses any place for any such purpose shall be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is continued after he has been convicted of such offence.

115. (1) If it is shown to the satisfaction of the committee, at a meeting, that

any place registered or licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice, require the occupier thereof to discontinue the use of the place, or to use it in such manner as will, in the opinion of the committee, render it no longer a nuisance or dangerous.

(2) Whoever, after such notice has been given, uses the place or permits it to be used in such a manner as to be a nuisance to the neighbourhood or dangerous, shall be punished with fine which may extend to two hundred rupees, and with

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1888—*contd.***

further fine which may extend to forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to make Rules.

Power of committee to make rules. 116. (1) A committee may, from time to time, at a special meeting, make rules—

- (a) for rendering licenses necessary for the proprietors or drivers of vehicles, boats or animals plying for hire within the limits of the municipality, and fixing the fees payable for such licenses, and the conditions under which they are to be granted and may be revoked ;
- (b) for limiting the rates which may be demanded for the hire of any carriage, cart, boats or other conveyance, or of animals hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons, where they are hired within the municipality for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours ;
- (c) for securing a proper registration of births, marriages and deaths, and for the taking of a census ;
- (d) for fixing, and from time to time varying, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family ;
for the registration and inspection of such buildings ;
for promoting cleanliness and ventilation in such buildings ;
for the notices to be given and the precautions to be taken in the case of any infectious disease breaking out in such buildings ;
and generally for the proper regulation of such buildings ;
- (e) for the inspection and proper regulation of encamping-grounds, pounds, sarais, markets and slaughter-houses ;
- (f) for the holding of fairs and industrial exhibitions within the municipality and under its control ;
- (g) for controlling and regulating the use and management of burial and burning grounds ;
- (h) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be made available for public use ;
- (i) where the collection of an octroi-tax has been sanctioned, for fixing octroi-limits for the purpose of collecting that tax ; and
- (j) generally for carrying out the purposes of this Law.

(2) In making any rule under this section the committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(3) No rule made under this section shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

SUPPLEMENTAL.

Execution of acts required to be done by any notice.

117. (1) When any notice under this chapter requires any act to be done for which no time is fixed by this Law, it shall fix a reasonable time for doing the same.

(2) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the committee may, after six hours' notice, by its officers, cause the act to be done.

118. (1) Where, under this Law, the owner or occupier of property is required to do any work, and makes default in complying with the requirement, and the committee executes the work, the committee may recover the cost of the work from the person in default.

(2) If the person in default is the owner, the committee may, by way of additional remedy, recover the whole or any part of the cost from the occupier, and in such case the occupier may deduct any sum paid by him under this sub-section from the rent from time to time becoming due from him to the owner of the property in respect of which the payment is made, or otherwise recover it from the owner;

(3) Provided that an occupier shall not be required to pay, under the last sub-section, any greater sum than the amount of rent which is for the time being due from him to the owner, or which, after demand for payment of the money payable by him to the committee and notice not to pay rent without first deducting the amount so demanded, becomes payable by him to the owner, unless he refuses on application to him by the committee truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(4) All money recoverable by a committee under the section may be recovered either by suit or, on application to a Magistrate having jurisdiction within the municipality, by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of property shall, until it is paid, be a charge on the property.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

119. (1) The committee may make compensation out of the municipal fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the committee, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the committee is required by this Law to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement in the

CHAPTER III.—BERAR—*contd*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Municipal Law, 1886 *contd.*

X of 1870. manner provided by the ¹ Land Acquisition Act, 1870, sections 3, 8 to 42, 51 to 53, and 56 to 59, so far as they can be made applicable.

120. (1) Any person aggrieved by any order made by a committee under the powers vested in it by section 90, 91, 111 or 115, may appeal within thirty days from the date thereof to the District Magistrate; and no such order shall be liable to be called in question otherwise than by such appeal:

Appeals against certain orders of committee.

Provided that, if in the latter case the District Magistrate is himself a member of the committee, the appeal shall lie to the Commissioner.

(2) The appellate authority may, for sufficient cause, extend the period hereby allowed for appeal.

(3) The order of the appellate authority confirming, setting aside or modifying the order appealed against shall be final:

Provided that the order appealed against shall not be modified or set aside until the appellants and the committee have had reasonable opportunity of being heard.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

121. Whoever, without the permission of the committee, or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punished with fine which may extend to twenty rupees.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

122. Whoever, without the permission of the committee, causes or allows the water of any sink, sewer or cesspool, or any other offensive matter, to flow, drain or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall be punished with fine which may extend to twenty rupees.

Discharging sewage.

123. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night-soil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punished with fine which may extend to fifty rupees.

Non-removal of filth, etc.

124. Whoever, without the permission of the committee, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the control of the committee, shall be punished with fine which may extend to fifty rupees.

Making or altering drains without authority.

¹ See now the Land Acquisition Act, 1894 (I of 1894), which was applied to these Districts by Notification No. 1204-I., dated the 12th April, 1894, printed *supra*, p. 123.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b) Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

125. Whoever makes, without the permission of the committee, or keeps for a longer time than one week after notice to remove issued under section 104, any drain, latrine, urinal, cesspool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punished with fine which may extend to twenty rupees, and, when a notice has been issued, with a further fine which may extend to five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Penalty for making or keeping latrines, etc., near any source of water-supply.

126. Whoever keeps any swine in disregard of any orders which the committee may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Keeping animals so as to be injurious to health.

127. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food on deleterious substances, filth or refuse of any kind, shall be punished with fine which may extend to fifty rupees.

Feeding animals on deleterious substances.

128. Whoever drives any vehicle after dark in any public street or thoroughfare at more than a walking pace, unless the vehicle is properly supplied with lights or there is sufficient moonlight to render lights unnecessary, shall be punished with fine which may extend to twenty rupees.

Driving vehicles without proper lights.

129. Whoever discharges firearms or lets off fireworks or fire-balloons, or engages in any game, in such a manner as to cause or be likely to cause danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punished with fine which may extend to twenty rupees.

Discharging firearms, etc.

130. Whoever, being an elephant-driver or camel-driver, omits, on being requested to do so, to remove his elephant or camel to a safe distance on the approach of a horse, whether ridden or driven, shall be punished with fine which may extend to twenty rupees.

Control of elephants and camels.

131. Whoever, contrary to any orders of the committee, takes an elephant along a street, shall be punished with fine which may extend to twenty rupees.

Taking elephants along streets.

132. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall be punished with fine which may extend to twenty rupees.

Suffering dogs to be at large.

133. Whoever, without the permission of the committee, alters, obstructs or encroaches upon any street or public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts

Altering, obstructing or encroaching upon streets, etc.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

of any street or public place, or deposits building-materials or makes any hole or excavation on or in any street, shall be punished with fine which may extend to fifty rupees.

134. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punished with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building. Picketing animals and collecting carts. 135. Whoever, contrary to the orders of the committee, pickets animals or collects carts on any public ground, or uses any such ground as a halting-place for vehicles or animals of any description, or as a place of encampment, or causes or permits animals to stray, shall be punished with fine which may extend to twenty rupees.

136. Whoever carries a corpse along a route prohibited by the committee or in a manner likely to cause annoyance to the public, shall be punished with fine which may extend to ten rupees.

137. Whoever, without being authorised by the committee, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall be punished with fine which may extend to twenty rupees.

138. Whoever disobeys any lawful directions given by the committee by public notice under the powers conferred upon it by chapter VI, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the committee to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punished with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues:

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

139. A prosecution for an offence under section 90, section 115 or section 138, when the order which has been disobeyed is appealable, shall be suspended when the Magistrate learns that an appeal has been instituted pending the decision of the appeal; and if the order is set aside on appeal, disobedience thereto shall not be deemed an offence against those sections.

CHAPTER VIII.

CONTROL.

Control by Commissioner or District Magistrate.

140. The Commissioner, or the District Magistrate when he is not a member of the committee, may—

(a) enter on and inspect, or cause to be entered on and inspected, any im-

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

moveable property occupied by any committee or joint committee, or any work in progress under the direction of a committee or joint committee ;

- (b) by order in writing call for and inspect any book or document in the possession or under the control of any committee or joint committee :
- (c) by order in writing require any committee or joint committee to furnish such statements, accounts, reports and copies of documents relating to its proceedings or duties as he thinks fit to call for ; and
- (d) record in writing for the consideration of any committee or joint committee any observations he thinks proper in regard to its proceedings or duties.

141. (1) The Commissioner or the District Magistrate may, by order in writing, suspend the execution of any resolution or order of a committee or joint committee, or prohibit the doing of any act which is about to be done, or is being done, in pursuance of, or under cover of, this Law, if in his opinion the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act is likely to lead to a breach of the peace, or to cause injury or annoyance to the public or to any class or body of persons.

(2) When the Commissioner or the District Magistrate makes any order under this section, he shall forthwith forward a copy thereof with a statement of his reasons for making it, if the Magistrate to the Commissioner, if the Commissioner to the Resident, who may thereupon rescind the order, or direct that it continue in force with or without modification permanently or for such period as he thinks fit.

142. (1) In cases of emergencies, the District Magistrate may provide for the execution of any work or the doing of any act which a committee is empowered to execute or do and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or doing the act shall be forthwith paid by the committee.

(2) If the expense is not so paid, the District Magistrate may make an order directing the person having the custody of the balance of the municipal fund to pay the expense, or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

(3) The District Magistrate shall forthwith report to the Commissioner every case in which he exercises the powers conferred on him by this section.

143. (1) If at any time it appears to the Resident that a committee has made default in performing any duty imposed on it by or under this Law or any other law, the Resident may, by order in writing, fix a period for the performance of that duty.

(2) If that duty is not performed within the period so fixed, the Resident may appoint the District Magistrate to perform it, and may direct that the expense of performing it shall be paid, within such time as he may fix, to the Magistrate by the committee.

(3) If the expense is not so paid, the District Magistrate, with the previous sanction of the Resident, may make an order directing the person having the custody

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

of the balance of the municipal fund to pay the expense or so much thereof as is, from time to time, possible, from that balance, in priority to any or all other charges against the same.

144. (1) If a committee is not competent to perform, or persistently make default in the performance of, the duties imposed on it by or under this Law or any other law for the time being in force, or exceeds or abuses its powers the Resident may with the previous approval of the Governor General in Council, by an order published, with the reasons for making it, in the Residency Orders, declare that committee to be incompetent or in default, or to have exceeded or abused its powers, as the case may be, and supersede it for a period to be specified in the order.

(2) When a committee is so superseded, the following consequences shall ensue—

- (a) all members of the committee shall, as from the date of the order, vacate their offices as such members;
- (b) all powers and duties of the committee may, during the period of supersession, be exercised and performed by such person or persons as the Resident appoints in that behalf; and
- (c) all property vested in the committee shall, during the period of supersession, vest in the Government.

(3) On the expiration of the period of supersession specified in the order, the committee shall be re-constituted, and the persons who vacated their offices under clause (a) of sub-section (2) shall not be deemed disqualified for being members.

145. (1) The Resident may frame forms for any proceeding of a committee for which he considers that a form should be provided, and make rules consistent with this Law—

- (a) as to the appointment of members of a committee;
- (b) as to the term of office of members of a committee, and of chairmen who, not being members of a committee at the time of their election, have been elected to the office of chairman or who have been appointed to that office by the Resident;
- (c) as to the filling of casual vacancies among elected and appointed members of a committee;
- (d) as to the language in which business shall be transacted, proceedings recorded and notices issued;
- (e) as to the assessment and collection of taxes imposed under this Law and for preventing evasion of the same;
- (f) as to the authority on which money may be paid from the municipal fund;
- (g) as to the conditions on which property vested in the committee may be transferred by sale, mortgage, lease, exchange, or otherwise;
- (h) as to the qualifications requisite in the case of persons appointed by the committee to offices requiring professional skill;
- (i) as to the intermediate office or offices, if any, through which correspondence

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

between committees and the Resident or his officers, and representations addressed to the Resident, under this Law, shall pass ;

- (j) as to the exhibition of tables of octroi, the system under which refunds shall be made on account of that tax when the goods on which the tax has been paid are again exported and the storage of goods declared not to be intended for use or consumption within the municipality into which they are brought ;
 - (k) as to the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the municipality ;
 - (l) as to the priority to be given to the several duties of the committee ;
 - (m) as to the preparation of plans and estimates for works to be partly or wholly constructed at the expense of committees, and as to the authority by whom, and the conditions subject to which, such plans and estimates may be sanctioned ;
 - (n) as to the accounts to be kept by committees as to the conditions on which such accounts shall be open to inspection by inhabitants paying any tax under this Law, as to the manner in which such accounts shall be audited and published, and as to the power of the auditors in respect of disallowance and surcharge ;
 - (o) as to the preparation of estimates of income and expenditure of committees, and as to the authority by whom, and the conditions subject to which, such estimates may be sanctioned ;
 - (p) as to the returns, statements and reports to be submitted by committees ;
 - (q) as to the publication of notices ; and
 - (r) generally, for the guidance of committees and public officers in all matters connected with the carrying out of this Law.
- (2) In making rules under clause (e) of sub-section (1), the Resident may direct that a breach of any provision thereof shall be punished with fine which may extend to fifty rupees.

CHAPTER IX.

SUPPLEMENTAL.

146. (1) If any member, officer or servant of a committee is, otherwise than with the permission in writing of the Commissioner, directly or indirectly interested in any contract made with the committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.¹
- Penalty on member, officer or servant of committee being interested in contract made with committee.

XLV of 1866

- (2) A person shall not by reason of being a shareholder in, or member of, any incorporated or registered company, be held to be interested in any contract entered into between the company and the committee, but he shall not take part in any proceedings of the committee relating to any such contract.

¹ The Indian Penal Code (Act XLV of 1860) is in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1868, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

147. No suit shall be instituted against a committee, or against an officer of a committee, in respect of an act purporting to be done by him in his official capacity, until the expiration of one month next after notice in writing has been, in the case of a committee, left at its office, and, in the case of an officer, delivered to him or left at his office or place of abode, stating the cause of action and the name and place of abode of the intending plaintiff; and the plaint must contain a statement that such a notice has been so delivered or left:

I of 1877. Provided that this section shall not apply to any suit instituted under section 54 of the Specific Relief Act, 1877.¹

148. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the committee; and a suit for compensation may be instituted against him by the committee with the previous sanction of the Commissioner or by the Government.

X of 1870. 149. Where any land, whether within or without the limits of a municipality, is required for the purposes of this Law, the Resident may, at the request of the committee, proceed to acquire it under the provisions of the 'Land Acquisition Act, 1870; and on payment by the committee of the compensation awarded under that Act, and of the charges incurred by the Government in connection with the proceedings, the lands shall vest in the committee.

150. (1) The authority empowered to make rules under section 10, section 116 or section 145 shall, before making them, publish in such manner as may in its opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date at or after which the draft will be taken into consideration; and shall, before making the rules, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(2) Every rule made under any of those sections shall be published in such manner as the Resident may direct; and such publication shall be conclusive proof that the rule has been made as required by this section.

151. A Court shall not take cognizance of an offence punishable under this Law, or the rules made under this law, except on the complaint of the committee or of some person authorised by the committee in this behalf.

152. Nothing in this Law shall prevent any person from being prosecuted under any other law for any act or omission which constitutes an offence against this Law or the rules made under it, or from being liable under that other

¹ This Act was applied to Berar by Notification No. 77-J., dated the 27th June, 1887, printed *supra*, p. 105.

² See now the Land Acquisition Act, 1894 (I of 1894), which was applied to Berar by Notification No. 1204-L., dated the 12th April, 1894, printed *supra*, p. 105.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

law to any other or higher punishment or penalty than that provided by this Law or the rules made under it :

Provided that a person shall not be punished twice for the same offence.

153. Any arrears of any tax or fee or any other money claimable by a committee under this Act may be recovered, on application to a Magistrate having jurisdiction within the limits of the municipality, by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable.

154. The Resident may, by notification, and in such other manner as he may determine, declare his intention—

(a) to exclude from a municipality any local area comprised therein and defined in the notification, or

(b) to include within a municipality any local area in the vicinity of the same and defined in the notification :

Provided that, where the local area is a military cantonment or part of a military cantonment, a notification shall not be published under this section in respect of it without the previous consent of the Governor General in Council.

155. (1) Any inhabitant of a municipality or local area in respect of which a notification has been published under section 154 may, if he objects to the alteration proposed, submit his objection in writing to the Resident within six weeks from the publication of the notification, and the Resident shall take the objection into consideration.

(2) When six weeks from the publication of the notification have expired, and the Resident has considered the objections (if any) which have been submitted under sub-section (1), the Resident may, by notification, exclude the local area from the municipality or include it therein, as the case may be.

Effect of exclusion of local area from municipality. 156. (1) When a local area is excluded from a municipality under section 155—

(a) this Law, and all rules, orders, directions and powers made, issued or conferred under this Law, shall cease to apply thereto ; and

(b) the Resident shall, after consulting the committee, frame a scheme determining what portion of the balance of the municipal fund and other property vested in the committee shall vest in the Government for the benefit of the local area, and in what manner the liabilities of the committee shall be apportioned between the committee and the Government ; and, on the publication of the scheme in the Residency Orders, the property and liabilities shall vest and be apportioned accordingly.

(2) All property vested in the Government under sub-section (1) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government under that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area.

CHAPTER III—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law, 1886—*contd.***

157. When a local area is included in a municipality under section 155, this Law, and all rules, orders, directions and powers made, issued or conferred under this Law and in force throughout the whole municipality at the time the local area is so included shall apply to the local area.

158. All powers conferred by this Law on the Governor-General in Council or on the Resident may be exercised from time to time as occasion requires.

XI of 1879.

159. Nothing in this Law shall affect the Local Authorities Loan Act, 1879, as applied to the Hyderabad Assigned Districts.¹

Saving of Act XI of 1879.

160. Every member of a committee constituted under this Law shall be deemed to be a municipal commissioner within the meaning of every enactment for the time being in force.

161. Anything done or any proceeding taken under this Law shall not be questioned on account of any vacancy in a committee or joint committee, or on account of any defect or irregularity not affecting the merits of the case.

CHAPTER X.

EXCEPTIONAL PROVISIONS.

162. (1) If it appears to the Resident that the circumstances of any municipality are such that the provisions of this Law requiring that a certain proportion of the members of a committee be elected are unsuited thereto, the Resident may, by notification, except the municipality, wholly or in part, from the operation of those provisions; and thereupon those provisions shall not apply or shall only apply in part, as the case may be, to the excepted municipality until again applied thereto by a like notification of the Resident:

Power to except municipalities from operation of provisions of this Law regarding election.

Provided that a notification shall not be issued under this section in respect of a municipality for which a committee has come into existence unless its issue has been sanctioned by the Governor General in Council.

(2) While the municipality continues to be excepted, wholly or in part, from the operation of the provisions mentioned in sub-section (1), the Resident may appoint such of the members of the committee as would otherwise have been elected.

163. (1) The Resident may, with the previous sanction of the Governor General in Council, by notification, withdraw from the operation of this Law or ²Act IV of 1873 the area of any municipality constituted under this Law or that Act.

Power to withdraw municipal area altogether from operation of this Law or Act IV of 1873.

¹ See Notification No. 3143-J., dated the 2nd September, 1886, printed *supra*, p. 116.

² That is, the Panjab Municipal Act, 1873. It is repealed in the Panjab by the Repealing and Amending Act, 1891 (XII of 1891). In Berar the Act is superseded by this Law in all places to which it has been extended.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Municipal Law—*contd.***

(2) When a notification is issued under this section in respect of any municipality, this Law or that Act, as the case may be, and all rules, bye-laws, orders, directions and powers made, issued or conferred thereunder, shall cease to apply to the local area comprised in the municipality, the balance of the municipal fund and all other property which at the time of the issue of the notification is vested in the committee shall vest in the Government, and the liabilities of the Committee shall be transferred to the Government.

All property vested in the Government under sub-section (2) shall be applied under the orders of the Resident to discharging the liabilities imposed on the Government by that sub-section, or for the promotion of the health, comfort, convenience or interest of the inhabitants of the local area comprised in the municipality.

[See *Gazette of India*, 1886, Pt. I, p. 666.]

Hyderabad Assigned Districts Births, Deaths and Marriages Registration, Law, 1888.

No. 347-I., dated 25th January, 1889.—Whereas it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons in the Hyderabad Assigned Districts, for the more effectual registration of those births and deaths and of marriages registered in those Districts under the Indian Christian Marriage Act, 1872,¹ and for the establishment of a general registry office for keeping registers of those births, deaths and marriages: XV of 1872.

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of those Districts, and to declare that copies of the entries in those registers shall be admissible in evidence;

The Governor General in Council has been pleased to issue the following orders:—

CHAPTER I.

PRELIMINARY.

1. (1) These orders may be called the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888, and are hereinafter referred to as "this Law"; and

(2) They shall come into force on such day as the Governor General in Council, by notification in the *Gazette of India*, directs.²

(3) Any power conferred by this Law to make rules or to issue orders may be exercised at any time after the publication of this Law in the *Gazette of India*, but a rule or order so made or issued shall not take effect until the Law comes into force.

¹ Applied to Berar by Notification No. 212 J., dated the 24th October, 1873, printed *supra*, p. 95.

² For orders under s. 1 (2) directing that this Law should come into force on the 1st December, 1890, see Notification No. 3828-I., dated the 19th November, 1890, *Gazette of India*, 1890, Pt. I, p. 843.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—*contd.***

Extent.

2. This Law extends to the whole of the Hyderabad Assigned Districts.

Definitions.

3. In this Law, unless there is something repugnant in the subject or context,—

(1) “Resident” means the Resident at Hyderabad :

(2) “sign” includes mark, when the person making the mark is unable to write his name :

(3) “prescribed” means prescribed by a rule made by the Governor General in Council under this Law : and

(4) “Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Law.

4. Nothing in this Law, or in any rule made under this Law, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exerciseable from time to time.

5. All powers conferred by this Law may be exercised from time to time as occasion requires.

CHAPTER II.

GENERAL REGISTRY OFFICE OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry office and appointment of Registrar-General.

6. The Resident—

XV of 1872.

(a) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Law, or marriages registered under the Indian Christian Marriage Act, 1872,¹ as may be sent to it under this Law, or under the Indian Christian Marriage Act as amended by this Law ; and

(b) may appoint to the charge of that office an officer to be called the Registrar-General of Births, Deaths and Marriages.

7. The Registrar-General of Births, Deaths and Marriages shall cause indexes

Indexes to be kept at general registry office.

of all the certified copies of registers sent to his office under this Law, or under the Indian Christian Marriage Act¹ as amended by this Law, to be made

XV of 1872.

and kept in his office in the prescribed form.

8. Subject to the payment of the prescribed fees, the indexes so made shall be

at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

¹ See second footnote on preceding page.

CHAPTER III.—BERAR—*contd***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—*contd.***

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar-General of Births, Deaths and Marriages, or by an officer authorised in this behalf by the Resident, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

10. The Registrar-General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

Application of this Chapter.

10. (1) The persons whose births and deaths shall, in the first instance, be registrable under this Chapter are the members of every race, sect or tribe to which the Indian Succession Act, 1865,¹ applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion.

(2) But the Resident, by notification in the Residency Orders, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

Registration Establishment.

12. The Resident may appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas as he may define and, if he sees fit, for any class of persons in any local area.

13. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code.²

14. (1) The Resident may suspend, remove or dismiss any Registrar of Births and Deaths.

(2) A Registrar of Births and Deaths may resign by notifying in writing to the Resident his intention to do so, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

15. (1) Every Registrar of Births and Deaths shall have an office in the local area for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Resident may direct shall attend at his office for the purpose of registering births.

¹This Act is now in force in Berar in virtue of Notification No. 1811-I-B, dated the 1st July, 1898, printed *supra*, p. 39. For persons exempted from the operation of the Act in Berar, see Notification No. 1893-I-B, dated the 9th July, 1898, printed *supra*, p. 82.

²The Indian Penal Code is now in force in Berar in virtue of Notification No. 1811-I-B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b) Special Local Laws—*contd.*****Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—*contd.***

and deaths on such days and at such hours as the Registrar-General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

16. (1) When any Registrar of Births and Deaths to whom the Resident may direct this section to apply is absent, or when his office is temporarily vacant, any person whom the Registrar-General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Resident appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Resident fills the vacancy.

(2) The Registrar-General of Births, Deaths and Marriages shall report to the Resident all appointments made by him under this section.

17. The Resident shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

Register books to be supplied and preservation of records to be provided for.

Mode of Registration.

18. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode by a person authorised by this Law to give the notice, forthwith make an entry of the birth or death in the proper register book:

Duty of Registrar to register births and deaths of which notice is given.

Provided that—

- (a) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and
- (b) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Person authorised to give notice of birth.

19. Any of the following persons may give notice of a birth, namely :—

- (a) the father or mother of the child;
- (b) any person present at the birth;
- (c) any person occupying, at the time of the birth any part of the house wherein the child was born, and having knowledge of the child having been born in the house;
- (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;
- (e) any person having charge of the child.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law,
1888—*contd.***

Persons authorised to give notice of death. 20. Any of the following persons may give notice of a death, namely :—

- (a) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death ;
- (b) any person present at the death ;
- (c) any person occupying, at the time of the death, any part of the house wherein the death occurred, and having knowledge of the deceased having died in the house ;
- (d) any person in attendance during the last illness of the deceased ;
- (e) any person who has seen the body of the deceased after death.

21. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 18, the person giving notice of the birth or death must sign the entry of the register in the presence of the Registrar.

(2) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Law.

(3) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

22. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

23. (1) Every Registrar of Births and Deaths shall send to the Registrar-General of Births, Deaths and Marriages, at the prescribed intervals, a true copy certified by him in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals :

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland, the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the Registrar-General of Births, Deaths and Marriages.

(2) In this section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively ; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

24. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—*contd.***

(2) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

25. Notwithstanding anything in section 18, the Governor General in Council may make rules authorising Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

Penalty for False Information.

26. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Law, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Correction of Errors.

27. (1) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Law is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(2) If a certified copy of the entry has already been sent to the Registrar-General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF CHRISTIAN MARRIAGE ACT.

XV of 1872 28. In the Indian Christian Marriage Act, 1872,¹ as applied to the Hyderabad Assigned Districts, the following amendments shall be made, namely:—

Amendment of the Indian Christian Marriage Act, 1872.

- (a) at the end of section 3 the words “Registrar-General of Births, Deaths and Marriages” means the Registrar-General of Births, Deaths and Marriages appointed under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888,” shall be added;

¹ See Notification No. 212-J., dated the 24th October, 1873, printed *supra*, p 95.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1. (b) Special Local Laws—*contd.*Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law,
1888—*contd.*

- (b) for the words "Secretary to the Resident at Hyderabad," wherever they occur, the words "Registrar-General of Births, Deaths and Marriages" shall be substituted ;
- (c) for the words "at such places as the Resident at Hyderabad directs," in section 62, the words "in the office of the Registrar-General of Births, Deaths and Marriages" shall be substituted ; and
- (d) in section 81, after the words "Registrar-General of Births, Deaths and Marriages" the words "in England" shall be added.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

29. If any person has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (1), or of any register or record of marriage of any persons of the classes to which the Indian Christian Marriage Act, 1872,¹ applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by law, he may, within one year from the date on which this Law comes into force, send the register or record to the office of the Registrar-General of Births, Deaths and Marriages.

30. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar-General of Births, Deaths and Marriages under the last foregoing section.

Appointment of Commissioners to examine registers.

(2) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

31. (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar-General of Births, Deaths and Marriages under section 29 ;

Duties of Commissioners.

and shall deliver to the Registrar-General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

¹ See Notification No. 212-J., dated the 24th October, 1873, printed *supra*, p. 95.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Hyderabad Assigned Districts Births, Deaths, and Marriages Registration Law, 1888—*contd.***

32. (1) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar-General of Births, Deaths and Marriages shall be at all reasonable times open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

(2) A copy of an entry given under this section shall be certified by the Registrar-General of Births, Deaths and Marriages, or by an officer or person authorised in this behalf by the Resident, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

33. In addition to any other power to make rules impliedly or expressly conferred by this Law, the Governor General in Council may make rules—

- (a) to fix the fees payable under this Law ;
- (b) to prescribe the forms required for the purposes of this Law ;
- (c) to prescribe the time within which, and the mode in which, persons authorised under this Law to give notice of a birth or death to a Registrar of Births and Deaths must give the notice ;
- (d) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Law, and the intervals at which they are to send to the Registrar-General of Births, Deaths, and Marriages true copies of the entries of births and deaths in the registers kept by them ;
- (e) to prescribe the particulars which descriptive lists to be prepared by Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate ;
- (f) to prescribe the custody in which those registers or records are to be kept ; and
- (g) generally to carry out the purposes of this Law.

34. (1) The Governor General in Council shall, before making rules under this Law, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*. Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—*concl'd.*

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under this Law shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under this Law shall be conclusive evidence that it has been duly made.

[See *Gazette of India*, 1889, Pt. I, p. 55.]

[For the Hyderabad Assigned Districts Courts Law, 1889, and the Hyderabad Assigned Districts Small Cause Courts Law, 1889, see Chapter II *supra*, pp. 59 and 66 respectively.]

Procedure for the recovery of arrears of non-municipal town funds.

Resident's Book Circular No 9, dated 13th April 1889.—The following procedure is prescribed for the recovery of arrears of non-municipal town fund due to any district in Berar when it has to be recovered in another district:—

1. The Deputy Commissioner of the district will record a proceeding certifying the sum due and the person from whom it is to be recovered.

2. He will then issue a warrant for its recovery in the form attached to this circular. The warrant will be addressed to the Deputy Commissioner of the district in which the defaulter resides or has any moveable property.

3. The Deputy Commissioner to whom the warrant is directed will, on receipt of it, call on the defaulter to pay within a specified time the amount of arrear together with the cost of remission, or to show cause why he should not pay. If no sufficient cause is shown and the defaulter fails to pay, the Deputy Commissioner will recover the amount due in the same manner as arrears of land revenue are collected.

4. If the defaulter shows sufficient reason, the attachment may be deferred for one month to enable the defaulter to appeal to the Deputy Commissioner issuing the warrant, provided that sufficient security is given for the payment of the tax plus the cost of its remission.

5. The amount of town fund recovered will be remitted to the Deputy Commissioner issuing the warrant.

Warrant issued under Resident's Book Circular No. 9 of 1889.

Whereas

has failed to pay his town fund tax, amounting, with money order commission, to Rupees _____ for the year _____, you are hereby requested to recover the same from him in the same way as arrears of land revenue are collected, and to remit the same to me.

Dated _____

Deputy Commissioner of the District.

Courts established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summons between such Courts, British Indian Courts and certain other Courts in Native States.

Nos. 1361-I. to 1364-I. and 1366-I. to 1368-I. and Nos. 2179-I. and Nos. 2182 and 2183-I., dated the 2nd July, 1890.—printed *infra*, pp. 694 to 701.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b) Special Local Laws—*contd.*

Continuance of certain cesses.

¹*No. 2151-I., dated the 29th May, 1889.*—The Governor General in Council is pleased to declare that the cotton and grain market cesses, which were imposed under the notifications specified in the second column of the annexed schedule, by the municipalities established in the Hyderabad Assigned Districts under Act IV of 1873, specified in the first column of that schedule, shall continue to be imposed by the corresponding municipalities established under the Berar Municipal Law, 1886, for a period of six months, from the 1st day of April, 1889, or until superseded by new cesses imposed under the provisions of section 41, sub-section (1) (B), of that Law, whichever shall first happen.

THE SCHEDULE.

Municipalities.	Notifications imposing cesses.
	<i>Cotton Market Cesses.</i>
Amraoti	Residency Orders, Notification No. 71, dated the 21st April, 1886.
Akola	Residency Orders, Notification No. 20, dated the 19th February, 1885.
Khamgaon	Residency Orders, Notification dated the 1st March 1882.
Sheogaon	Residency Orders, Notification No. 105, dated the 29th May, 1882.
Akote	Residency Orders, Notification No. 222, dated the 22nd October, 1884.
	<i>Grain Market Cesses.</i>
Amraoti	Residency Orders, Notification No. 74, dated the 29th April, 1886.
Akola	Residency Orders, Notification No. 235, dated the 11th November, 1884.
Khamgaon	Residency Orders, Notification No. 234, dated the 11th November, 1884.
Sheogaon	Residency Orders, Notification No. 23, dated the 3rd March, 1885.

[See *Gazette of India*, 1889, Pt. I, p. 306.]

British Indian Rules under the Telegraph Act, 1885 (X of 1885), applied to Berar.

No. 1249-I., dated the 19th March, 1891.—printed *infra*, p. 392.

¹ Continued in force, till further orders, by Notification No. 1715-I., dated the 23rd April, 1891, see *Gazette of India*, 1891, Pt. I, p. 212.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.***

Order legalizing the imposition of a Sutta tax in the Municipality of Khamgaon.

No. 3690-I., dated the 27th September, 1892.—The Governor General in Council is pleased to declare that the sutta tax imposed in 1882 by the Municipality of Khamgaon in the Hyderabad Assigned Districts, and sanctioned by the Resident at Hyderabad in the exercise of the authority conferred on him by section 7 of the Punjab Municipal Act (IV of 1873), under which Act the said Municipality was then established, shall be deemed to have been lawfully imposed by the said Municipality as established under the Berar Municipal Law, 1886, from the 21st May, 1889, and may continue to be levied by that Municipality until a new sutta tax shall have been imposed under the provisions of section 41, sub-section (1) (B), of that Law.

[See *Gazette of India*, 1892, Pt. I, p. 600.]

Rules for the disposal of Government Lands, 1894.

RESIDENT'S BOOK CIRCULAR No. XX OF 1894, DATED 1ST OCTOBER, 1894.

PART I.—*Rules for the disposal of land set apart for building in civil stations, municipalities and other special places.*

* They have been extended to the undermentioned places by Residency Orders, Notification No. 66, dated 26th February, 1894:—

Town of Karinja.	
Amraoti Town Municipality.	
Amraoti Camp	do.
Akola	do.
Akote	do.
Khamgaon	do.

Shegaon Municipality.	
Buldana	do.
Basim	do.
Yeotmal	do.
Ellichpur City	do.
Ellichpur Camp	do.

1. These rules shall apply to any municipality, civil station, or other local area to which they may, from time to time, be extended* by the Resident.

2. In any local area to which these rules apply, the Deputy Commissioner, with the previous sanction of the Commissioner, may set apart any lands at the disposal of the Government which he considers should be reserved for building. He should enter such lands in a register and cause a map to be made of them. Such lands shall be known as "building reserves," and they shall not be occupied, nor shall any interest be acquired in them, except as provided by these rules. Nor shall any building be allowed in any such area on any Government land other than land set apart under this rule.

3. When any person desires to acquire the occupancy right in any land comprised in the building reserves, he may apply for it to the Deputy Commissioner or any other officer appointed by him in this behalf.

4. It shall be in the discretion of the officer to reject the application without assigning any reasons; but if he entertains it, he shall assess the land to land-revenue for the unexpired portion of the current settlement of the taluk within which it is situated, and shall fix the minimum price at which the occupancy right, subject to the revenue for the time being assessed, will be sold:

Provided that the revenue fixed in the first instance shall be the highest assessment imposable on agricultural land of the best class in the neighbourhood.

5. He shall then publish a notice in Form I, appended to these rules, describing the land, stating the revenue and minimum price assessed and fixed for it, and calling upon any persons other than the original applicant desiring to acquire the occupancy right, to apply to him for the same within one month from the date of the notice.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*contd.***

6. If at the expiration of the said period of one month no person has applied as last aforesaid, the original applicant shall, on paying to the officer the minimum price, be entitled—

- (a) to receive from the officer a certificate declaring him to have purchased the occupancy right, and
- (b) to be placed in possession of the land by the officer or by some person appointed by him in that behalf.

7. If at the expiration of the said period of one month any person has applied as aforesaid, the occupancy right shall be put up, at an upset price equal to the minimum price fixed, to public auction at a time and place of which notice in Form II, appended to these rules, shall be given, and the highest bidder at the auction shall, on paying the amount of his bid, be entitled to receive a certificate, and be put in possession as provided by rule 6. The notice prescribed by this rule and by rule 5 shall be affixed on the notice board of the Deputy Commissioner's and of the Tahsildar's office, and also, if the land is situate within a municipal town, on the notice board of the municipal office.

8. The assessment of all land in which an occupancy right has been acquired under the foregoing rules shall be open to revision whenever the assessment of the taluk within which it is situated is revised, but such revision shall be carried out by the Deputy Commissioner, or some other officer appointed by him in this behalf, under such rules as the Commissioner, with the previous sanction of the Resident, may from time to time make in this behalf:

Provided that the revenue to be imposed at future settlements shall not exceed either the highest assessment imposable on agricultural land of the best class in the neighbourhood, or 20 per cent. of the ground rent paid for the same land or for other building land in the neighbourhood, whichever is greater.

9. When an occupancy right has not been acquired under the foregoing rules in a portion of the building reserves, a Deputy Commissioner may permit any person to occupy that portion for such purpose and subject to the payment of such revenue and to such conditions as the Deputy Commissioner may think fit for one year, and may, on the expiration of that year, permit such occupation to continue for a second year, and so on from time to time, provided that a person occupying land under such permission shall acquire no right to occupy it after the expiration of the year for which such permission is given.

10. When building reserves are situate within the limits of a municipality, the Commissioner may, with the previous sanction of the Resident, direct that all or any of the functions to be discharged by the Deputy Commissioner under the foregoing rules shall, subject to the control of the Deputy Commissioner, be discharged by the Municipal Committee, and that all or any of the powers of a revenue officer for the realization of the revenue due from the reserves shall, subject to the same control, be exercised by a servant of the Committee, who shall pay in the amount of his collections and account for the same in such manner as the Commissioner, with the previous sanction of the Resident, may from time to time direct.

11. The Commissioner may from time to time, subject to the control of the Resident, make subsidiary rules for the better carrying out of the provisions of these rules,

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Rules for the disposal of Government Lands, 1894—*contd.*

12. The Resident's Book Circular No. VII* of 1885 is rescinded in so far as

* This Book Circular has been re-issued as Part I of R. B. Circular No. V, Chapter IV, Vol. III of the Code of Non-Judicial Book Circulars.

† These three Book Circulars have been re-issued as Part II of R. B. Circular No. V, Chapter IV, Vol. III of the Code of Non-Judicial Book Circulars.

it would apply to building reserves. Resident's Book Circular XXVI† of 1891 and IV† of 1893, and Commissioner's Book Circular I† of 1892 are cancelled.

13. These rules do not apply to any building sites already occupied or to agricultural land in which an occupancy right has been acquired before the rules were extended.

14. No person may acquire an occupancy right for purposes of cultivation in any survey number which has been set apart as a building reserve. But any such survey number not immediately required for building may be let out for cultivation from year to year.

FORM I.

(See Rule 5.)

Whereas A. B. has applied to the Deputy Commissioner of _____ for the occupancy right in the land specified below, any other person who may desire to acquire the occupancy right in the said land must apply for it to the said Deputy Commissioner within one month from this date :—

Area, description and boundaries of the land referred to in the application.	Land revenue assessment payable for the land,	Minimum price fixed for the occupancy right.
1	2	3

(Signed)

C.D.,

Deputy Commissioner of _____

Dated _____

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Rules for the disposal of Government Lands, 1894—*contd.*

FORM II.

(See Rule 7.)

Whereas applications have been received for the occupancy right in the land specified in the notification in Form I, dated _____, notice is hereby given to all whom it may concern that the said occupancy right will be sold by auction to the highest bidder subject to the conditions of Resident's Book Circular XXVI of 1891, and the rules made under it, at _____ o'clock on the*
at the _____ cutcherry.

(Signed)

E.F.,

Deputy Commissioner of _____

Dated _____

* *N.B.*—The date to be fixed shall be not less than seven days from the date of publication of the notice.

FORM III.

[Certificate of purchase, *See* rule 6 (a).]

Certified that A. B. has purchased the occupancy right in a piece of land measuring _____ bounded _____ and situated within the limits of _____ subject to the payment of an annual rent of Rs. _____ with effect from this date and subject to the conditions of Resident's Book Circular of 18 _____ and the rules made under it.

(Signed)

C.D.,

Deputy Commissioner of _____

Dated _____

PART II.—*Rules for the disposal of Government land and the assignment of building sites near railway stations.*

1. Waste land within half a mile of a railway station should not be given out for cultivation.

2. A strip of land one hundred yards broad should be reserved round each railway station for possible extensions of the stations and a further strip¹ [of such breadth as the Commissioner, Hyderabad Assigned Districts, may from time to time determine] should be reserved beyond the first. In this latter area sites may be granted to private persons when space sufficient for public purposes has been set

¹ These words were added and Rule 4 substituted for the original rule by Circular Memorandum No. 2333, dated the 9th July, 1897.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*contd.***

aside. Occupied land required to complete either area may be acquired under the Land Acquisition Act.

3. Sites granted to private persons under the preceding rule will be granted on the terms contained in the lease hereto annexed. For sites so disposed of an annual rent at the rate of Rs. 10 per acre will be ordinarily charged, special rates being levied under the Commissioner's orders in the case of the laying out of substantial bazars or towns. Notice will be given when sites are disposed of to private persons under these rules, and leases will be disposed of by public auction to the highest bidder.

4. These rules apply to the undermentioned railway stations, which are not included in the limits of any municipality or civil station, and to any new railway stations which may hereafter be established :—

Buldana District.

1. Khamked.
2. Malkapur.
3. Biswa.
4. Naudura.

Akola District.

1. Jalamb.
2. Nagzari.
3. Paras.
4. Dapki.
5. Hevalkhera.
6. Borgaon.
7. Katipurna.

Amraoti District.

1. Murtizapur.
2. Mana
3. Kuram.
4. Takli.
5. Badnera.
6. Malkhed.
7. Chandur.
8. Nimbora.
9. Dhamangaon.
10. Dapuri.

FORM OF LEASE.

1. The plot of ground described below is hereby granted on lease for 30 years from the 1st of May (last or next, as the lessee may prefer) to A.B., at an annual rent of rupees _____, payable into the treasury in advance for each year, in the month of May for the same year.

2. Failure to pay the above rent within the time allowed will entitle Government to cancel the lease and take possession of the land and the buildings, etc., thereon, and dispose of the same by sale for recovery of the arrears: Provided that, previous to proceeding to sale, notice shall be given to the lessee or his agent or servant on the spot, or in the absence of all such persons by written notice affixed on the ground, requiring payment of the arrears within three months, and if the full amount of arrears and expenses are paid within the said three months, then possession of the land, etc., shall be restored to lessee and the lease be in force as before.

3. The lessee takes on himself all risk of injury and loss accompanying from the nature of the tenure on which the Assigned Districts are held by the British Government, and that Government is in no way responsible for loss or injury which may be caused by any change in, or cessation of, that tenure.

4. On the expiry of the 30 years mentioned herein, provided the Assigned Districts are then held as now by the British Government, the then lessee will be entitled to a second lease for the same duration, at a rent not exceeding one hundred (Rs. 100) rupees per annum per acre and Rs. 30 per shop site.

¹ See head-note on page 83 *supra*.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*Rules for the disposal of Government Lands, 1894—*contd.*

5. No transfer of this lease will be held valid until the transaction has been recorded on this lease and its counterpart as follows :—

Transferred by me (present lessee) to (incoming lessee) with all right and obligations herefrom accruing.

Signed, present
Signed, incoming } lessee or their agents.

Done and acknowledged before me.

Deputy Commissioner.

6. This lease, in fixing the amount of rent, does not thereby exempt the land or the buildings thereon from liability on account of any lawful demand for imperial or local taxes.

Name of Village.	No. of plot on map in Deputy Commissioner's office	Boundaries.	Acres.	Rent at Rs. 10 per acre.

PART III.—*Rules regarding the assignment of Building Sites in Village Sites.*

I. The duty of assigning ground in village sites ("gaonthan") for building and other similar purposes shall ordinarily rest with the Patel, or, if there is a Revenue as well as a Police Patel, with the Revenue Patel.

II. In granting sites, Patels must be careful not to infringe the rights of Government by assigning lands which, as having been occupied by Government buildings (*e. g.*, garis, old tahsil buildings, etc.), whether ruined or otherwise, or for any other reason, are regarded as specially the property of Government, and not as part of the village gaonthan.

III. They must also be careful not to make assignments which will interfere with the public convenience or with the sanitation of the village: thus they must not allow people to encroach on village roads, or on any area used for any common village purpose, *e. g.*, a bazar, and they should not make any new assignment or land within 30 "haths" of any public well or spring, or on the bank of any tank.

IV. Patels are forbidden to assign to any person more than one "goonta" of land, or allow any person to increase any site which he occupies to a greater extent than this. It must not be supposed from this rule that every inhabitant of a village is to get one "goonta" of land. People should receive only so much land as they really require. One "goonta" is prescribed as a limit which Patels must not exceed.

V. Patels must not assign sites regarding which there is dispute, or in violation of any village custom whereby the land of the "gaonthan" may be divided among Watandars.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*contd.***

VI. It is the wish of Government that, subject to the restrictions noted above, Patels should, on their own authority, make all arrangements regarding the assignment of sites in their villages ; but they must remember that, if they infringe Rules II, III or IV, they will be called to account by the Tahsildars, and if they infringe Rule V, the person whose rights they have invaded may very probably bring a civil suit against them for the recovery of the land assigned.

VII. When any person wants land of more than one "goonta" in extent, or there is dispute about the site, or for any other reason the Patel is in doubt whether the land should be given, he should make each of the persons requiring the land give him a *written* application, which he should forward, with his remarks, for the orders of the Tahsildar.

VIII. Patels should not assign or give away any land in—

- (a) towns or villages which have a population of 5,000 persons or more :
- (b) bazar towns or villages :
- (c) towns or villages close to railway stations :
- (d) any place where the ground is likely to be required by Government :
- (e) any place where it possesses a clear marketable value.

Rules for Tahsildars.

IX. When a Tahsildar receives an application under Rule VII, he shall proceed as follows :—

- (a) If the land asked for is specially Government property, he shall, after such enquiry as may be necessary, refer the matter for the orders of the Taluk Officer.
- (b) If the doubt is whether public convenience or village sanitation will be affected by the assignment, he shall depute the Naib-Tahsildar or Munsarim to inspect the place (if he cannot go himself), and then give such orders as may seem right.
- (c) If the question is whether more than one "goonta" should be granted, he should satisfy himself that the applicant *bonâ fide* requires the land, and is not asking for it in order to sub-let it, or from any improper motive, and then give such orders as may seem proper.
- (d) If the assignment is objected to by a person who alleges that the land is actually in his occupation, the Tahsildar should, as a rule, refer the applicant to the Civil Court ; but if it is perfectly clear the objection is invalid, he may give the applicant leave to build, at the same time warning him this permission will not help him in the Civil Court, should the objector bring a suit.
- (e) If the assignment is objected to by a person who does not say that the land has been in his possession, but who urges that it ought to be assigned to him, rather than to any one else, because it adjoins land already in his possession, or for any similar reason, the Tahsildar may either assign the land to one of the parties, or direct that it be put up to auction. If he takes the former course, and the case is an important one, he should submit his order for the approval of the Taluk Officer.
- (f) If the case is merely one in which two or more persons compete for the same site, he will direct that it be put up to auction.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*contd.***

When a Tahsildar directs that a site be put up to auction, he shall cause a plan to be prepared by the Patwari, or by some person specially deputed for the purpose, and he should do this in any other case in which it may seem advisable, with a view to prevent future dispute, when auction sale is resorted to. No ground rent should, except under special circumstances, be reserved.

X. When auction sale is resorted to, the following rules shall be observed :—

- (a) A notice in the language of the district specifying the date fixed for the sale, and the area and boundaries of the site to be sold, shall be stuck up at some place close to the site, and also at the village chowree, at least a week before the sale is held.
- (b) The sale shall be held on the spot by some tahsil official, above the rank of peon, deputed for the purpose.
- (c) The officer who holds the sale shall, on arriving at the village, cause the sale to be tom-tomed in the village for an hour before commencing the auction.

General.

XI. Whether the land is simply assigned or whether it is sold by auction, the person who acquires it will merely acquire an occupancy title.

XII. These rules do not apply to the disposal of lands dealt with under Parts I and II foregoing. Deputy Commissioners may at any time for special reasons suspend their operations in any village, in which case all persons desiring to occupy sites in small villages or to extend existing sites, must make an application through the Patel to the Tahsildar.

XIII. The Patel of every town and village shall maintain a register of sites assigned under these Rules, whether the assignment be made by the Patel or under the orders of the Tahsildar or after auction sale.

PART IV.—Other Lands.

Building in occupied lands and unoccupied fields continues to be regulated by

* This Book Circular has been re-issued as C B. Circular No. 1, Chapter IV, Vol. III of the Code of Non-Judicial Book Circulars. † Do. do. No. 5 do. the provisions of Commissioner's Book Circular No. * XXIII of 1879. Building in unoccupied and unassessed waste lands is regulated by the provisions of Commissioner's Book Circular No. VII† of 1891. Both these Book Circulars are reprinted below for ready reference :—

Book Circular No. XXIII, dated Amraoti, the 8th May 1879.

From—W. B. JONES, Esq., Commissioner, Hyderabad Assigned Districts,

To—All Deputy Commissioners, Hyderabad Assigned Districts.

I take the opportunity afforded by the extension † of section XXXV of 1 Act

† Notification No. 49-I., dated 7th March, 1879.

This Book Circular has been re-issued as R. B. Circular No. III, Chapter I, Vol. III of the Code of Non-Judicial Book Circulars.

(Bombay) I of 1865 to Berar, and the publication of my Book Circular XXII § of 7th current, to circulate with some amplification the instructions which have from time to time issued regarding the appropriation of lands to purposes other than agricultural.

¹ See now the Hyderabad Assigned Districts Land-Revenue Code, 1896, printed *infra*, p. 245, by which this Act has since been repealed.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*contd.****Occupied Lands.*

2. The occupant of a survey-number has no right to destroy, even temporarily, the productive powers of his lands. His lease permits to him to use, but not to spoil his field, still less to carry away any part of it whether on the surface or below.

3. It follows that he must obtain permission before he can—

1. Build, except for purposes of agricultural improvement.

2. Quarry or dig for stone, lime, sand, etc.

3. Take earth for making bricks or tiles, or do any act by which the productive powers of the land will be impaired.

4. Nevertheless it shall not be necessary for the occupant of a field who requires earth, stone, lime, sand or the like for his own use, and not for sale or for conversion into articles intended for sale, to apply for permission to take such things from any part of his field which at settlement may have been deducted as unculturable (pot kharab) or in small quantity from any other part of his field. The term "small quantity" in this place means a quantity so small that the value of the field for agricultural purposes could not be appreciably affected by its removal.

5. When an occupant applies to be allowed to do any of the acts referred to in paragraph 3, permission shall, as a rule, be granted as a matter of course :—

Case (a).—If the land on which such act is to be done be culturable, on his paying by way of fine a sum of money equal to 30 times the assessment of the field, or if he intends to appropriate only part of the field, 30 times the proportionate assessment of the land to be so appropriated, and entering into a written agreement to pay annually the assessment which may be due on the land which he appropriates.

Case (b).—If the land on which such act is to be done was deducted at settlement as unculturable (pot kharab), *gratis*.

Unoccupied culturable fields.

6. Persons proposing to use any part of an unoccupied culturable field for any of the purposes mentioned in paragraph 3, may either apply to be recorded as occupants of the *whole* field, or to have a part of such field separately demarcated and assigned to them. The revenue authorities will

* This Book Circular has been re-issued as R. B. Circular No. II, Chapter I, Vol. III of the Code of Non-Judicial Book Circulars.

exercise their discretion in granting applications for parts of fields; but Resident's Book Circular No. XLV* of 1877 is not to be held to apply to such cases. Whether the application is for the whole or for part of a field, paragraphs 3—5 will apply.

Unculturable land.

7. The residents of any village may, without payment and without asking permission, quarry and excavate earth, stone, lime, sand, etc., for their own use, and not for sale, or for conversion into articles intended for sale, from the unculturable lands of such village.

8. In all other cases, permission must be applied for, but it will, as a rule, be granted as a matter of course and free of charge.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*contd.***

9. The case of buildings in unculturable lands will be provided for in a separate circular.

General.

10. When permission is granted to any person to do any of the acts referred to in paragraph 3, notice thereof, with the particulars of such permission, shall be sent to the patel of the village, with direction to see that the permission is not exceeded.

11. A list of all the sites in respect of which permissions have been granted under these rules should be kept up in tahsils in the form given below, and it will be the duty of tahsildars to inspect such sites annually, or to cause them to be inspected, and to assure themselves that the permission has not been exceeded.

12. If it shall appear that a person who has obtained permission to occupy, for the purposes such as are mentioned in paragraph 3, a certain quantity of land, has not exceeded such quantity, but has occupied it in such a way that land in excess of the land for which permission was given has been rendered useless, he shall be surcharged at the rate of 30 times the assessment of the land so rendered useless.

13. Persons who use land for any of the purposes contemplated by paragraph 3 without permission, or exceed any permission that has been granted them, or the limits imposed by paragraph 4, shall be liable to pay a fine not exceeding 60 times the assessment of the land which they have occupied or occupied in excess or the productive powers of which they may have impaired.

14. In granting permissions to open brick fields, quarries and the like, sanitary considerations must not be overlooked; excavations close to villages are much to be deprecated.

15. Application for a permission under these rules may be made to any tahsildar; but if the land which it is proposed to appropriate be culturable, the sanction of the taluka officer, or, if there be none, of the Deputy Commissioner, shall be obtained before the permission is finally granted.

16. In conclusion, I would guard against a misconception into which, if I may judge from the correspondence from which this circular is taken, officers are likely to fall. The demand of 30 times the assessment is not to be regarded as a mode of taxing stone, bricks, etc. It is simply a means by which Government secures its land-revenue, and would be equally levied if an occupant wishes to turn his field upside down, in order to dig for hidden treasure, or to improve his landscape. The right to tax the produce of quarries, etc., exists, and may be enforced by Government at any time; but for the present it has been decided that such building materials shall be absolutely free. Our policy is to give the people every inducement to improve the materials of which their houses are constructed, and every facility for extending the inhabited areas of villages, as population increases, to the attainment of these objects the realization of a petty revenue has been most wisely postponed.

17. If in any district any tax is now levied on sand, earth, stone, and such like building materials, it should be at once abolished, or the case should be reported; and in the future, if a Deputy Commissioner thinks that, in any special instance, the levy of some kind of tax would be proper, he should refer for orders.

CHAPTER III.—BERAR—*contd.*B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Rules for the disposal of Government Lands, 1894—*contd.*

Serial No.	Date of grant of permission.	Name of village.	Name of persons to whom permission was given.	Survey No. in respect of which permission was given.	Amount of land to which the permission extended.	Rental of land entered in column 6.	Amount, if any, paid by way of fine.	Nature and conditions, if any, of the permission.	REMARKS.
1	2	3	4	5	6	7	8	9	10

Book Circular No. VII, dated the 26th October, 1891.

From—T. CHICHELE-PLOWDEN, Esq., Commissioner, Hyderabad Assigned Districts,
To—All Deputy Commissioners, Hyderabad Assigned Districts.

A copy of the Resident's note, * dated 25th May, 1890, on the subject of the treatment of building sites in civil stations, municipalities and other places where building land has acquired or is acquiring a special value, was forwarded to Deputy Commissioners for consideration with Commissioner's No. 5971-76 of 17th September, 1890. Separate orders will be issued hereafter on the principal question dealt with in the note, but the following instructions, which dispose of some subsidiary matters, are issued, with the sanction of the Resident, for general information, and guidance.

2. The assignment of sites for building and other purposes† within the inhabited portion of agricultural villages is regulated by the instructions in Commissioner's Book Circular No. IX of 1882 (re-issued as Part III, *ante*). The provisions of this circular do not, however, apply to unoccupied and unassessed waste land in such villages lying beyond the gaonthan or authorized village site. Any application for such land must be dealt with on its own merits and be submitted for the orders of the Resident. And with respect to unoccupied land, wherever situate, which may be available for disposal, the Resident has been pleased to determine that no local authority is empowered to confer the full proprietary right in any such land whether it be building land or agricultural land or land of any other description. If at any time any case should occur in which, for any special reasons, it should be thought desirable to confer the full proprietary right, the matter must be referred to the Commissioner for submission to the Resident.

3. As regards building sites in civil stations and municipalities which have been already occupied either by permanent settlers or by squatters, the general principle to be observed is that existing possession must be respected, and that no inquiries

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Rules for the disposal of Government Lands, 1894—*concl'd.***

should be made into title save in those exceptional cases where the possession is notoriously recent and unauthorized or has been acquired by fraud or by any other clearly improper means. It is not intended that there should be any general inquisitorial examination even of titles to which the exception may be thought to apply. And, therefore, no inquiry may be instituted in any case whatsoever except upon an order from, or with the previous sanction of, the Deputy Commissioner of the district.

Order authorizing the levy of a tax on professions and callings in Ellichpur Civil Station.

No. 250, dated the 2nd July, 1895.—In accordance with the previous sanction of the Governor General in Council and the Resident at Hyderabad, the Ellichpur Civil Station Municipal Committee has directed the imposition of a tax on persons who reside or practise any profession or art or carry on any trade or calling in the said municipality, with effect from the 1st April, 1895, and subject to the following rules :—

1. The tax shall, subject to the following provisos, be assessable on every person who resides or practises any profession or art or carries on any trade or calling in the municipality, the whole or any part of whose income derived from any source other than agriculture is not less than Rs. 100 per annum, at the rate of one per cent. on the taxable portion of his estimated income derived from any such source : Provided that—

I.—No person who may be liable to the said tax in two or more municipalities shall be liable to pay in the whole any sum in excess of one per cent. on the taxable portion of his estimated income.

II.—When the same person is liable to the said tax in two or more municipalities, the total sum which he is liable to pay shall be apportioned between or among such municipalities as the Resident may direct.

III.—No person or firm shall be assessable to the said tax at a sum exceeding five hundred rupees per annum or less than eight annas.

IV.—Rupees ninety-nine, the maximum non-taxable income, shall be deducted from the full annual income of each assessee, and the tax shall be calculated on the remainder, both in the case of traders and of salaried employes of all classes.

V.—All payments made on account of pensions or Provident Funds, or in the case of persons who effect life insurances, the amount payable as premium (when such payments or amounts do not exceed one-sixth of the full annual income) shall also be deducted from the full annual income and the tax be calculated on the remainder.

VI.—When one per cent. on the assessable portion of the income involves a fractional part of a rupee which is less than eight annas, then eight annas shall be the amount of the fractional part to be collected ; and when one per cent on the assessable portion of the income involves a fractional part of a rupee which is greater than eight annas, then one rupee shall be collected instead of the fraction.

2. The assessments shall be made by a Sub-Committee of the Municipality, subject to the sanction of the General Municipal Committee.

3. When the list of assessments is ready, a notice by tom-tom and in the local newspapers shall be given to the public, and the list shall be open to inspection at the Municipal Office.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.***

Order authorizing the levy of a tax on professions and callings in Ellichpur Civil Station—*concl.*

4. Objections to assessments shall be received and considered by the Sub-Committee aforesaid if presented in writing within one month from the publication of the list of assessments.

[See *Hyderabad Residency Orders*, 1895, Pt. I, p. 201.]

Execution of Contracts by Forest-officers

No. 320, dated the 4th September, 1895.— * * * * * 1
the Resident is pleased to lay down the following rules for the execution of contracts and other instruments in matters connected with the administration and working of forests and with the business of the Forest Department generally in supersession of the rules laid down in the Residency Orders Notification No. 276, dated the 25th March, 1879, which is hereby cancelled :—

I. Any Forest-officer appointed by an order in the Hyderabad Residency Orders to hold charge of a forest division may enter into and execute contracts or other instruments in matters connected with the administration of forests and the business of the Forest Department, including leases of land, but not contracts relating to the purchase or sale or permanent acquisition of land, provided that the value or amount involved does not exceed Rs. 2,000.

II. Similar powers will be exercised by the Conservator where such amount or value exceeds Rs. 2,000, but does not exceed Rs. 10,000.

III. Where such amount or value exceeds Rs. 10,000, the contract will be executed by the Secretary for Berar to the Resident.

[See *Hyderabad Residency Orders*, 1895, Pt. I, p. 271.]

The Hyderabad Assigned Districts Land-revenue Code, 1896.

No. 3068-I.B, dated the 2nd October, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following Code of provisions relating to Revenue-officers and the administration of the land-revenue in the Hyderabad Assigned Districts :

A Law to consolidate and amend the law relating to Revenue-officers and the administration of the land-revenue in the Hyderabad Assigned Districts.

WHEREAS it is expedient to consolidate and amend the law relating to Revenue-officers and the administration of the land-revenue in the Hyderabad Assigned Districts ; It is hereby provided as follows :—

CHAPTER I.

PRELIMINARY.

1. (1) These provisions may be called the Hyderabad Assigned Districts Land-revenue Code, 1896, and are hereinafter referred to as “ this Law.”
Title, extent and commencement.

¹ The portion of the preamble here omitted is unnecessary for the purposes of this publication.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(2) This Law extends to the territories known as the Hyderabad Assigned Districts ; and

(3) It shall come into force on such day as the Resident may, by notification, direct.

2. (1) On and from that day the laws, rules and orders mentioned in the first schedule shall, subject to the other provisions of this section, be repealed to the extent specified in the third column thereof.

(2) Any law or document referring to any law, rule or order hereby repealed shall be construed as referring to this Law.

(3) All rules prescribed, appointments made, securities furnished, powers conferred, orders issued, notifications published, assessments fixed, determined, registered, sanctioned or declared, charges assessed, fines imposed, agreements executed or accepted, farms, leases or permissions granted, records prepared or altered, rights acquired, liabilities incurred, times or places appointed and other things done shall, so far as they are consistent with this Law, be deemed to have been respectively prescribed, made, furnished, conferred, issued, published, fixed, determined, registered, sanctioned, declared, assessed, imposed, executed, accepted, granted, prepared, altered, acquired, incurred, appointed and done hereunder.

(4) Such portions of the rules and orders mentioned in the third part of the said schedule as referred to matters in regard to which the Resident is empowered to make rules or give instructions under any of the provisions of this Law, and in so far as they are consistent with this Law, shall be deemed to be rules made or instructions given under this Law until they are altered or superseded by rules made or instructions given under this Law.

(5) All proceedings pending at the commencement of this Law which have been commenced under any law, rule or order hereby repealed, shall be deemed to have been commenced under this Law, and shall thereafter be conducted in accordance with the provisions of this Law.

Saving.

3. Nothing in this Law shall interfere with or affect any rights accrued or hereafter accruing under the Berar Forest Law.¹

Definitions.

4. In this Law, unless there is anything repugnant in the subject or context,—

(1) “ Revenue-officer ” means any officer of any rank whatsoever employed in or about the business of the land-revenue or of the surveys, assessments, accounts or records connected therewith :

(2) “ Deputy Commissioner ” means the Deputy Commissioner of the district :

(3) “ land ” includes the sites of villages, towns and cities ; it also includes trees, growing crops and grass, fruit upon, and juice in, trees, rights of way, ferries, fisheries, and all other benefits to arise out of land and things attached to the earth, or permanently fastened to things attached to the earth, and also shares in, or charges on, the revenue or rent of villages, or other defined portions of territory :

(4) “ survey-number ” means a portion of land formed into, or recognized as, a survey-number at the last preceding survey, or subsequently recognized as such by the Deputy Commissioner or any other officer authorized in this behalf :

¹ Printed *supra*, p. 173.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments -1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(5) "recognized division of a survey-number" means a division of a survey number recognized at the last preceding survey, or subsequently recognized as such by the Deputy Commissioner or any other officer authorized in this behalf :

(6) "building site" means a definite portion of land held for building purposes, whether any building be actually erected thereupon or not, and includes the open ground or court-yard enclosed by, or adjacent to, any building erected thereupon :

(7) "boundary-mark" means any erection, whether of earth, stone or other material, and also any hedge, vacant strip of ground or other object, whether natural or artificial, set up, employed or specified by the Deputy Commissioner or other Revenue-officer having authority in that behalf, in order to designate the boundary of any land :

(8) "to hold land" means to be legally invested with a right to the possession and enjoyment or disposal of such land, either immediate or at the termination of tenancies legally subsisting :

(9) "holder" or "landholder" means the person in whom a right to hold land is vested, whether solely on his own account, or wholly or partially in trust for another person, or for a class of persons, or for the public ; and includes a mortgagee vested with a right to possession :

(10) "holding" means the whole land over which such right extends under any single original title: Provided that, when land has been divided into villages or survey-numbers or has been separately assessed at any survey-settlement made or confirmed under this Law or any law, rule, or order hereby repealed, the land of each village, survey-number or assessed portion shall be regarded as held under a separate title :

(11) "superior holder" means the person who for the time being is, or but for some special exemption would be, primarily responsible to the Government for the payment of the revenue or rent on account of alienated land, or, where more than one person is responsible, the person whose responsibility has been recognized by the Deputy Commissioner under the provisions of this Law :

(12) when in the case of alienated land the highest right in respect of the occupation of the land and the highest right in respect of the receipt of the revenue or rent of the land do not vest in the same person, the holder who has the highest right in respect of the occupation of the land is called the "inferior holder" :

(13) "tenant" means a person who holds land from another person, called his "landlord," and is, or but for a special contract would be, liable to pay rent for the land to that other person ; but does not include a superior holder, an inferior holder or an occupant :

(14) "occupant" means a holder of unalienated land or, where there are more holders than one, the holder having the highest right in respect of any such land, or where such highest right vests in more holders than one, any one of such holders, and when there are more occupants than one in a single holding, each of such occupants is also called a "co-occupant" :—

Explanation.—A lessee under the Waste-land Rules of 1865, 1876, 1879 or 1880 is not an occupant of the lands leased to him within the meaning of this definition :

(1) "registered occupant" means the person for the time being primarily responsible to the Government under the provisions of this Law for the payment of the revenue or rent on account of unalienated land :

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(16) "occupancy" means the sum of the rights vested in an occupant as such :

(17) "alienated" means transferred, so far as the rights of the Government to receive the rent or land-revenue are concerned, wholly or partially, to the ownership of any person :—

Explanation.—Lands leased under the Waste-land Rules of 1865, 1876, 1879 or 1880 are "alienated" within the meaning of this definition :

(18) "agricultural year" and "revenue-year" mean, respectively, the year commencing on such date as the Resident may, in each case, from time to time by notification appoint, and "year" means the year commencing on the first day of April :

(19) references to enactments of the British Indian Legislature shall be deemed to refer to such enactments as applied for the time being by the Governor General in Council to the Hyderabad Assigned Districts :

(20) "legal practitioner" means a person who is authorized to practise under the rules regulating legal practitioners in the Court of the Resident and the Courts subordinate thereto, or under the rules regulating legal practitioners in the Court of the Judicial Commissioner and the Courts subordinate thereto :

(21) "notification," with its grammatical variations and cognate expressions, means a notification published by the authority of the Resident in the Hyderabad Residency Orders :

(22) "village-cess" includes any cess, contribution or due which is customarily leviable within a village and is neither a payment for the use of private property or for personal service nor imposed by or under any law, rule or order for the time being in force :

(23) "land-revenue" includes all payments, whether in money or in kind, due to the Government on account of a specified parcel of land or specified benefits arising out of land, and also includes any rent, cess or rate fixed with reference to land or other immoveable property or to interests therein and imposed by the Government : and

(24) "rent" means whatever is payable to a landlord in money, kind or service by a tenant on account of the use or occupation of land by him.

CHAPTER II.

APPOINTMENT AND POWERS OF REVENUE-OFFICERS.

5. The Resident shall, subject to the control of the Governor General in Chief controlling authority in Council, be the chief controlling Revenue-authority. revenue matters.

Revenue-officers. .

6. Besides the Resident, there shall be the following classes of Revenue-officers :—

- (1) the Commissioner,
- (2) Deputy Commissioners,
- (3) Assistants,
- (4) Tahsildars, and
- (5) other executive officers.

CHAPTER III—BERAR—*contd.*B.-British-Berar Enactments—1. (b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

7. All Revenue-officers shall be subordinate to the Resident, all Revenue-officers below the rank of Commissioner to the Commissioner, and all Revenue-officers employed in a district to the Deputy Commissioner.

8. The Commissioner shall be appointed by the Governor General in Council and shall exercise the powers and perform the duties conferred and imposed on the Commissioner by this Law, or any law, rule or order for the time being in force, and, so far as is consistent therewith, all such other powers and duties within the Hyderabad Assigned Districts as may from time to time be prescribed by the Resident.

9. (1) The Hyderabad Assigned Districts shall be divided into such districts, and each district shall consist of such taluks and each Division of the Hyderabad Assigned Districts into districts. taluk of such villages as the Resident may from time to time by notification prescribe.

(2) The existing boundaries of districts and taluks shall remain as they are, for the purposes of this Law, until altered.

10. The Resident shall appoint in each district an officer who shall be the Deputy Commissioner and may exercise, throughout the district, all the powers and perform all the duties conferred and imposed on a Deputy Commissioner by this Law or any law, rule or order for the time being in force, and shall in all matters not specially provided for by any law, rule or order act according to the instructions of the Resident.

11. The Resident may appoint to each district so many Assistants as he may deem expedient; and such Assistants shall be called "Assistant Commissioners," "Extra Assistant Commissioners," "Attachés," or by such other designation as may be expressed in the order of their appointment.

12. (1) Subject to the general orders of the Resident, the Deputy Commissioner may place any of his Assistants in charge of the revenue-administration of one or more of the taluks in his district, or may himself retain charge thereof.

(2) An Assistant thus placed in charge shall, subject to the provisions of this Law, exercise such of the powers conferred, and perform such of the duties imposed, upon the Deputy Commissioner by this Law or any law, rule or order for the time being in force, so far as regards the taluk or taluks in his charge, as the Commissioner may from time to time direct:

Provided that the Deputy Commissioner may, whenever he shall think fit, direct any such Assistant not to exercise certain powers or perform certain duties, and may reserve the same to himself or assign them to any other Assistant subordinate to him.

(3) To such Assistants as it may not be possible or expedient to place in charge of taluks the Deputy Commissioner shall, under the general orders of the Resident, assign such particular powers and duties as he may from time to time deem fit.

13. (1) If the Deputy Commissioner is disabled from performing the duties of, or for any reason vacates, his office or leaves his district or dies, his Assistant of highest rank present in the district shall, unless other provision has been made, exercise the duties of the Deputy Commissioner in case of temporary vacancy.

CHAPTER III.—BERAR.—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

made by the Resident, succeed temporarily to the office, and shall be held to be the Deputy Commissioner until the Deputy Commissioner resumes charge of the district, or until the Resident appoints a successor to the former Deputy Commissioner and such successor takes charge of the office.

(2) An officer whose principal office is different from that of an Assistant and who is an Assistant for special purposes only, shall not be deemed to be an Assistant for the purposes of this section.

14. (1) The officer entrusted with the local revenue-administration of a taluk shall be called the Tahsildar, and shall be appointed by the Resident.

(2) The powers and duties of the Tahsildar shall be such as may be expressly conferred or imposed upon him by this Law or by any law, rule or order for the time being in force, or as may be imposed upon, or delegated to, him by the Deputy Commissioner, under the general or special orders of the Resident. Every Tahsildar in office at the commencement of this Law shall continue, until such time as is otherwise directed by competent authority, to exercise the powers and to perform the duties at present exercised and performed by such an officer.

15. The Tahsildar may, subject to such general orders as may from time to time be passed by the Commissioner or by the Deputy Commissioner, employ any of his subordinates to perform any portion of his ministerial duties:

Employment of subordinates by Tahsildars. Provided that all acts and orders of his subordinates when so employed shall be liable to revision and confirmation by such Tahsildar.

16. If the Tahsildar is disabled from performing the duties of, or for any reason vacates, his office or leaves his taluk or dies, his subordinate of the highest rank on the spot shall succeed temporarily to the office, and shall be held to be the Tahsildar until the Tahsildar resumes charge of the taluk or until such time as a successor is duly appointed and takes charge of the office.

17. (1) The Resident may appoint such other officers and invest them with such powers as may from time to time be necessary to give effect to the provisions of this Law.

(2) Such officers shall discharge such duties and be subordinate to such authorities as, in the absence of any provision in this Law, the Resident may prescribe.

18. The Resident may appoint one and the same person, being otherwise competent according to law, to any two or more of the offices provided for in this chapter, or confer or impose upon an officer of one denomination all or any of the powers or duties of any other officer or officers within certain local limits or otherwise as may seem expedient.

Notification of certain appointments and powers of acting officers. 19. (1) The appointment of all officers mentioned in sections 5 to 14 (both inclusive), 17 and 18 shall be notified.

(2) Any person appointed to act temporarily for any such officer shall exercise the same powers and perform the same duties as might be exercised or performed by the officer for whom he is so appointed to act.

(3) Appointments required to be notified under this section shall be notified in the Hyderabad Residency Orders or in the *Gazette of India*.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

Establishments.

20. Subject to any instructions given under section 216, and unless the Resident shall otherwise direct,—

- (a) all members of the Commissioner's establishment shall be appointed by the Commissioner ;
- (b) all members of the establishment of the Deputy Commissioner and all members of the establishments of officers subordinate to the Deputy Commissioner shall be appointed by the Deputy Commissioner ; and
- (c) all members of the establishment of an officer appointed under section¹ [17] and not subordinate to the Deputy Commissioner shall be appointed by such officer as the Resident may direct :

Provided that any officer empowered to make appointments under this section may delegate so much of his power in this behalf as he may deem fit to any subordinate officer, but subject to the retention by him of a right of revision at any time of any appointment that may be made by such subordinate officer.

CHAPTER III.

THE SECURITY TO BE FURNISHED BY CERTAIN REVENUE-OFFICERS AND THE LIABILITY OF PRINCIPALS AND SURETIES.

21. (1) The Resident may direct that such Revenue-officers as he deems fit shall, previously to entering upon their office, furnish security to such amount as he may in each case think expedient, either by deposit of Government paper duly endorsed, accompanied by a power to sell; or in the form contained in the second schedule, or in such other form as he may from time to time prescribe.

(2) The amount for which such security shall be furnished may be varied, from time to time, by order of the Resident, who shall also determine the number of sureties to be required.

22. The Deputy Commissioner or other officer authorized by the Resident in this behalf may, at any time after security has been given by a Revenue-officer subordinate to him, if it appears to him that the security taken is unsatisfactory, or if the officer is transferred to an office for which larger security is required, or for other sufficient reason, demand fresh or additional security and, in case of the officer failing to give such security within one month after its being required of him, may suspend or dismiss him :

Provided that no greater security shall be demanded than is required by the orders of the Resident under the last foregoing section :

Provided, also, that, in the event of a Revenue-officer who has been required to furnish security owing to his transfer to an office for which larger security is required, failing to furnish the required security, he may be allowed to revert to his former post, if any, instead of being suspended or dismissed.

¹ The figure "17" was substituted for the figure "14" by Notification No. 2831-I.B., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

23. (1) The Deputy Commissioner or any other officer deputed by the Deputy Commissioner in this behalf shall, in all cases in which the Government may have a claim on any Revenue-officer, or on any person formerly employed as such in the district, for public moneys or papers or other Government property, by order in writing under his official seal, if he uses one, and signature, require the moneys or papers or property detained to be delivered to the person bearing the said order either immediately or on such date and at such place as the order may specify.

(2) If the officer or other person aforesaid shall not deliver the moneys, papers or property as directed in the order, the Deputy Commissioner may cause him to be apprehended, and may send him with a warrant in the form contained in the third schedule to be confined in the civil jail till he complies with the order :

Provided that no person shall be detained in confinement under any such warrant for a longer period than one calendar month.

24. (1) The Deputy Commissioner may also take proceedings to recover any public moneys recoverable as arrears of land-revenue and by issue of search-warrant, and persons in possession of public moneys, papers and property bound to give them up. public moneys due by any Revenue-officer in the same manner and subject to the same rules as are laid down in this Law for the recovery of arrears of land-revenue from defaulters, and for the purpose of recovering public moneys, papers or other property appertaining to Government, may issue a search-warrant and exercise all such powers with respect thereto as may be lawfully exercised by a Magistrate under the provisions of Chapter VII of the Code of Criminal Procedure,¹ 1882.

X of 1882.

(2) It shall be the duty of every person in possession of public moneys, papers or other property appertaining to the Government, in regard to which he knows or has reason to believe that a search-warrant has been issued under the provisions of this section, to make over the same forthwith to the Deputy Commissioner, and every person knowing where any such property is concealed shall be bound to give information of the same to the Deputy Commissioner.

25. The surety or sureties of such officer or other person as is aforesaid, who may enter into a bond in the form contained in the second schedule, or in any other form prescribed by the Resident, shall be liable to be proceeded against jointly and severally in the same manner as his or their principal is liable to be proceeded against in case of default and notwithstanding such principal may be so proceeded against :

Provided that, in any case of failure to discharge or make good any sum or money due to the Government or to produce any property of Government of ascertained value, no greater sum than is sufficient to cover any loss or damage which the Government may actually sustain by the default of the principal, shall be recovered from the surety or sureties as the amount which may be due from such surety or sureties under the terms of the security bond executed by him or them :

Provided, also, that the said surety or sureties shall in no case be liable to imprisonment in default of producing public papers or property, if he or they pay into the Government treasury the whole or such part of the penalty named in the bond as may be demanded.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

26. If an officer or other person as aforesaid, or his surety or sureties against whom a demand is made, shall give sufficient security in the form contained in the fourth schedule, the Deputy Commissioner shall cause such officer or surety, if in custody, to be liberated, and shall countermand the sale of any property that may have been attached, and restore it to the owner.

27. (1) The liability of the surety or sureties shall not be affected by the death of the principal or by the appointment of the principal to a situation different from that which he held when the bond was executed, but shall continue so long as the principal occupies any situation in which security is required under section 21 or until his bond is cancelled.

(2) The heirs of a deceased officer shall be liable by suit in the Civil Court for any claims which Government may have against the deceased, in the same way as they would be for similar claims made by an individual.

28. Any surety, whether under a separate or joint bond, may withdraw from his suretyship at any time on giving notice in writing to the officer to whom the bond has been given that he desires so to withdraw; and his responsibility under the bond shall cease after six calendar months from the date on which he gives such notice as to all demands upon his principal concerning moneys, papers or other property for which his principal may become chargeable after the expiration of such period of six calendar months, but shall not cease as to any demands for which his principal may have become liable before the expiration of such period, even though the facts establishing such liability may not be discovered till afterwards.

29. All records which have been, or may be, prepared by any hereditary officer, Revenue-officer, or village-officer in pursuance of the duties of his office or by order of his superior officer or of the present or former Government are hereby declared to be the property of the Government, and the Deputy Commissioner is hereby empowered to demand their production.

CHAPTER IV.

CERTAIN ACTS PROHIBITED TO REVENUE-OFFICERS, AND THEIR PUNISHMENT FOR MISCONDUCT.

30. (1) No Revenue-officer shall, except with the express permission of the Resident,—

- (a) engage in trade, or be in any way concerned, directly or indirectly, in any commercial transaction, or in the purchase or hiring of land in the district to which he is appointed or in which he is employed;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(b) purchase or bid for, either in person or by agent in his own name or in the name of another or jointly or in shares with others, any property which may be sold by order of any revenue or judicial authority in such district;

(c) hold, directly or indirectly, any land or be in any way concerned on his private account in the collection or payment of revenue of any kind in such district.

(2) The Resident may delegate to the Commissioner or to the Deputy Commissioner the power of granting the permission mentioned in this section in the case of any specified class of officers or for any special occasion.

(3) Nothing in this section shall be deemed to preclude any person from being VI of 1882. a member of a company incorporated under the Indian Companies Act, 1882.¹

Prohibition of unlawful detention of money and acceptance of presents.

31. No Revenue-officer shall—

(1) derive, either for himself or for any other individual, any profit or advantage, beyond his lawful salary or emoluments, from any public moneys or property with the collection or charge of which he is entrusted or connected; or

(2) demand or receive, under the colour or by the exercise of his authority as such Revenue-officer, or by way of gratification or otherwise, or knowingly permit any other person to demand or receive on his behalf any sum or any consideration whatever over and above what he is legally entitled to demand or receive under the provisions of this Law, or of any law, rule or order for the time being in force.

32. Subject to any instructions given under section 216, any Revenue-officer may be fined, reduced, suspended or dismissed for any such offence as is described in the last foregoing section, or for any breach of departmental rules or discipline, or for carelessness, unfitness, neglect of duty or other misconduct, by the authority by whom such officer is appointed, or by any authority superior to such authority; and this power may be delegated by such first-mentioned authority, wholly or partially, to any subordinate officer on the same condition as the power of appointment delegated under section 20:

Provided that no Revenue-officer whose monthly salary exceeds two hundred and fifty rupees, shall be fined, suspended, reduced or dismissed except by order of the Resident.

33. When any Revenue-officer passes an order for fining, reducing, suspending or dismissing any subordinate officer, he shall record All such orders to be made in such order or cause the same to be recorded, together with the reasons therefor, in writing, under his signature, in the language of the district or in English. Any explanation which the subordinate officer accused may wish to offer, shall first be considered and reduced to writing in the language in which it is given, and shall form part of the record.

¹ Applied to Berar by Notification No. 3556-I., dated the 22nd September, 1884, printed *supra*, p. 104.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

34. (1) No fine inflicted under this chapter shall in any case exceed the amount of one month's pay of the office held by the offender at the time of the commission of the offence.

Fines.

(2) All fines inflicted under this chapter may be recovered from the officer's pay.

35. (1) If the Deputy Commissioner, whether of his own motion or on appeal from a subordinate officer's order, passes an order for fining, reducing, suspending or dismissing any Revenue-officer subordinate to him whose monthly salary does not exceed thirty-five rupees, or if any authority superior to the Deputy Commissioner passes any such order against a Revenue-officer whose monthly salary does not exceed ninety-nine rupees, no appeal shall lie against such order.

Appeals barred in certain cases.

Provided that at least one appeal shall lie against every order made, of his own motion, by any authority other than the Resident for dismissing an officer whose monthly salary exceeds thirty-five rupees.

(2) No appeal shall lie against any order inflicting a fine not exceeding one rupee.

Liability to criminal prosecution not affected by this Law: officer may be suspended during trial and subsequently suspended, reduced or dismissed.

36. (1) Nothing in this chapter shall affect any officer's liability to a criminal prosecution for any offence with which he may be charged.

(2) Any officer subjected to such prosecution may be suspended pending the trial, and at its close may, upon a consideration of the circumstances brought to light during its course, be suspended, reduced or dismissed by any competent authority whether he has been found guilty or not.

37. Except as provided in section 31, nothing contained in this chapter shall be held to apply to patels and patwaris appointed under the Berar Patel and Patwaris Law, 1885, or shall in any way affect that law.

Chapter not to apply to certain patels and patwaris.

CHAPTER V.

LAND AND LAND-REVENUE.

Lands.

38. All public roads, lanes and paths, the bridges, ditches, dykes and fences on or beside the same, the beds of rivers, streams,

All public roads, etc., and all land which are not the property of others belong to the Government.

nalas, lakes and tanks and all canals and water-courses, and all standing and flowing water, and all lands wherever situated, which are not the property of individuals, or of aggregates of persons legally capable of holding property,

and except in so far as any rights of such persons may be established in or over the same, and, except as may be otherwise provided in any law for the time being in force, are, and are hereby declared to be, together with all rights in or over the same, or appertaining thereto, the property of the Government; and the Deputy

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1898—*contd.***

Commissioner may, subject to the orders of the Commissioner, dispose of them in such manner as he may deem fit or as may be authorized by general rules sanctioned by the Resident, subject always to the rights of way and all other rights of the public or of individuals legally subsisting.

39. Subject to the general orders of the Resident, the Deputy Commissioner

Lands may be assigned for special purposes, and when so assigned shall not be otherwise appropriated without sanction of the Commissioner. whilst survey operations are proceeding under Chapter VIII, and the Commissioner at any other time, may set apart lands the property of the Government and not in the lawful occupation of any person or aggregate of persons in unalienated villages or unalienated portions of villages, for free pasturage for village-cattle, for grass reserves or for any public or municipal purpose; and lands assigned specially for any such purpose shall not be otherwise appropriated or assigned without the sanction of the Commissioner; and, in the disposal of land under section 38, due regard shall be had to such all special assignments.

40. (1) Grazing on Government waste-lands, other than those which may have

Power to make rules as to grazing on Government waste lands heretofore set apart for forest reserves and pasturage of village-cattle. been, or which may be, declared to be State forests under the provisions of the Berar Forest Law,¹ may be regulated by rules to be, from time to time, either generally or in any particular instance, prescribed by the Deputy Commissioner with the previous sanction of the Commissioner.

(2) The decision of the Deputy Commissioner in any case of dispute as to such grazing shall be conclusive.

Trees.

41. (1) In unalienated villages or portions of villages of which the original

Concession of Government rights to trees in case of settlements completed before the commencement of this Law. survey settlement has been completed before the commencement of this Law, the right of the Government to all trees in all alienated land, and in all unalienated land under occupation at the commencement of this Law, shall, in the absence of proof to the contrary, be presumed to have been conceded to the occupant or holder.

(2) The contrary may be proved by showing—

- (a) that the rights of the Government were specially reserved at the time of the survey-settlement, or, when permission to occupy has been granted subsequent to the completion of the survey-settlement, at the time of the grant of such permission, and that the rights so reserved have not been subsequently conceded to the occupant.
- (b) that the trees have been planted and reared by, or under the orders of, or at the expense of, the Government, or at the expense of local funds, and that the rights of the Government have not been specially conceded to the occupant;
- (c) that the land has not been alienated, that the trees were in existence when the last permission to occupy was granted, that the land on which the

CHAPTER III.—BERAR —*contd.***B.—British Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

trees are growing has not been occupied continuously for twenty years from the date of the last permission to occupy, and that the rights of the Government in the trees have not been purchased by or specially conceded to the occupant; or

- (d) that the occupant has continuously recognized the rights of the Government.

42. In unalienated villages or portions of villages of which the original survey-settlement shall be completed after the commencement of this Law, the right of the Government to all trees shall be deemed to be conceded to the occupant or holder of the land on which they are growing, except in so far as such right may be specially reserved at the time of the settlement.

43. When permission to occupy land shall hereafter be granted after the completion of the survey-settlement of the village or portion of the village in which such land is situated, the said permission shall be deemed to include the concession of the right of the Government to all trees growing on that land which may not be specially reserved at the time of granting such permission.

44. The right to all trees specially reserved under the provisions of the three last foregoing sections, and to all trees, brushwood, jungle or other natural product, wherever growing, except in so far as the same may be the property of individuals or of aggregates of individuals capable of holding property, vests in the Government; and such trees, brushwood, jungle or other natural product shall be preserved or disposed of in such manner as the Resident may from time to time direct.

45. (1) All trees which have been planted and reared by, or under the orders of, or at the expense of, the Government, or at the expense of local funds, vest in the Government; but, in the event of such trees dying, or being blown down, or being cut down by order of the Deputy Commissioner, the timber shall become the property of the holder of the land on which they were growing, and the usufruct, including the loppings, of such trees shall also vest in the said holder:

Provided that no such trees shall be lopped except under the order of the Deputy Commissioner.

(2) If the holder of any land in which such trees are growing shall so desire and shall make an application to the Deputy Commissioner for the purpose at any time within two years after the commencement of this Law, the Deputy Commissioner shall deduct the strip of land covered by the said trees from his holding and remit thenceforward the proportionate amount of land-revenue due upon the strip so deducted. Any strip of land so deducted shall, together with the trees upon it, vest thereafter in the Government.

46. (1) Any person who unauthorizedly fells and appropriates any tree or any portion thereof, or removes any other natural product which is the property of the Government, shall be liable to the Government for the value

Recovery of value of trees, etc.
unauthorizedly appropriated.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

thereof, and such value shall be recoverable from him as an arrear of land-revenue in addition to any penalty to which he may be liable under the provisions of this Law for the occupation of the land or otherwise, and notwithstanding any criminal proceedings which may be instituted against him in respect of his said appropriation of Government property or forest produce.

(2) The decision of the Deputy Commissioner as to the value of any such tree, or portion thereof, or other natural product shall be conclusive.

47. In the case of trees, being the property of the Government and standing on alienated or occupied land, the holder or occupant shall, in the absence of any agreement to the contrary, be entitled to half the usufruct, including the loppings, of such trees :

Presumption as to Government trees standing on occupied lands.

Provided that the holder or occupant shall not be so entitled, where a remission of assessment has been granted in respect of the land occupied or injured by the trees, on account of such occupation or injury.

48. In the case of trees, being the property of individuals and standing on unoccupied Government land, the Government shall, in the absence of any agreement to the contrary, be entitled to half the usufruct, including the loppings, of such trees :

Presumption as to trees, the property of individuals, standing on Government lands.

Provided that nothing in this section shall prevent the Government from assessing the land occupied or injured by the trees and the recovery of the said assessment in lieu of the usufruct.

Land-Revenue.

49. All land, whether applied to agricultural or other purposes and wherever situated, shall be liable to the payment of land revenue to the Government according to the provisions hereafter contained in this Law, except such land as may be wholly exempted under the provisions of any special contract with the Government or of any law, rule or order for the time being in force.

50. All alluvial lands, newly formed islands or abandoned river-beds, which vest, under any law, rule or order for the time being in force, in any holder of alienated land, shall be subject, in respect of liability to the payment of land-revenue, to the same privileges, conditions or restrictions as are applicable to the original holding in virtue of which such lands, islands or river-beds so vest in the said holder ; but no revenue shall be leviable in respect of any such lands, islands or river-beds until or unless the area of the same exceeds half an acre and also exceeds one-tenth of the area of the said original holding.

Liability of alluvial lands to land-revenue.

51. Every holder of land paying revenue in respect thereof shall be entitled, subject to such instructions as may be from time to time given in this behalf by the Resident, to a decrease of assessment if any portion thereof, not

Assessment of land-revenue in cases of diluvion.

CHAPTER III.—BERAR—*contd.***B.—British Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

being less than half an acre in extent nor less than one-tenth of the holding, is lost by diluvion.

Description of lands chargeable with land-revenue, and effect, as regards assessment, of variation of purpose to which lands are applied.

52. (1) The land-revenue leviable under the provisions of this Law shall be chargeable—

- (a) upon land appropriated for agricultural purposes;
- (b) upon land from which any other profit or advantage than that ordinarily acquired by agriculture is derived;
- (c) upon land appropriated for building-sites;

(2) The assessment fixed under the provisions of this Law upon any land appropriated for any one of the above purposes shall be liable to be altered and fixed at a different rate when such land is appropriated for any other purpose, notwithstanding that the term, if any, for which such assessment was fixed, may not have expired; and any land allowed by the Government to be held free of assessment on condition of its being appropriated to one purpose shall become liable to assessment if at any time it is devoted to any other purpose.

(3) The Deputy Commissioner may also, subject to any instructions given under section 216, prohibit the appropriation for certain purposes of any unalienated land liable to the payment of land-revenue, and may summarily evict any holder who may appropriate, or attempt to appropriate, the same to such prohibited purposes.

53. On all lands not wholly exempt from payment of land-revenue, and not within the local operation of an order made under section 83, the assessment of the amount to be paid as land-revenue shall be fixed at the discretion of the Deputy Commissioner, subject to the control of the Resident, and the amounts due according to such assessment shall be levied on all such lands:

Provided that in the case of lands partially exempt from land-revenue, or the liability of which to payment of land-revenue is subject to special conditions or restrictions, respect shall be had in the fixing of the assessment and the levy of the revenue to all rights legally subsisting, according to the nature of the said rights.

54. (1) The settlement of the assessment to land-revenue of each portion of land or survey number shall be made with the person who, under section 105, is primarily responsible to the Government for the same.

Settlement of assessment to be made with the holder directly from the Government, or, in his absence, with the next holder.

(2) If the said person is absent and has left no known authorized agent in the district, so that the settlement of the assessment cannot be concluded with him, such settlement may be made with the person holding under him or in occupation of the land.

55. The Resident may, with the previous sanction of the Governor General in Council, authorize the Deputy Commissioner, or such other officer as the Resident deems fit, to fix such rates as he may from time to time think proper for the use by landholders and other persons of water the right to which vests in the Government, or which has been made available in consequence of the construction, improvement or repair of any

CHAPTER III.—BERAR *contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

irrigation or other work by the Government. Such rates shall be liable to revision at such periods as the Resident shall from time to time determine, and shall be recoverable as land-revenue.

56. Arrears of land-revenue due on account of land by any landholder shall be a paramount charge on the holding and every part thereof, failure in payment of which shall make the occupancy or alienated holding, together with all rights of the occupant or holder over all trees, crops, buildings and things attached to the land or permanently fastened to anything attached to the land, liable to forfeiture; and on such forfeiture the Deputy Commissioner may levy all sums in arrear by sale of the occupancy or alienated holding, freed from all tenures, incumbrances and rights created by the occupant or holder or any of his predecessors in title, or in anywise subsisting as against such occupant or holder, or may otherwise dispose of such occupancy or alienated holding in accordance with any instructions given under section 216.

57. The Deputy Commissioner may, in the event of the forfeiture of a holding under the last section or under any other law, rule or order for the time being in force, take immediate possession of the land embraced within such holding and dispose of the same, by placing it in the possession of the purchaser or other person entitled to hold it, according to the provisions of this Law or of any law, rule or order for the time being in force.

CHAPTER VI.

OCCUPATION OF UNALIENATED LAND.

Occupation.

58. (1) Any person desirous of taking up unoccupied land which has not been alienated shall, previously to entering upon occupation, obtain the permission in writing of the Tahsildar.

(2) Such person shall also execute an agreement to become the registered occupant in such form as the Deputy Commissioner may from time to time prescribe, and the right of occupancy in the land shall not pass till such agreement shall have been accepted by the Deputy Commissioner.

59. (1) Any person who unauthorizedly occupies any land set apart for any special purpose, or any unoccupied land which has not been alienated, shall be liable to pay,—

- (a) if the land which he unauthorizedly occupies, forms part of an assessed survey-number, the assessment of the entire number for the whole period of his occupation, and
- (b) if the land so occupied by him has not been assessed, such amount of assessment as would be leviable for the said period in the same village on the same extent of similar land appropriated to the same purpose,

CHAPTER III.—BERAR — *contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1898—*contd.***

and shall also be liable, at the discretion of the Deputy Commissioner, to a penalty not exceeding five rupees, or a sum equal to ten times the amount of assessment payable by him for one year, if such sum be in excess of five rupees, if he has taken up the land for purposes of cultivation, and not exceeding such limit as may be fixed in any instructions given in this behalf under section 216, if he has appropriated it to any non-agricultural purpose.

(2) The Deputy Commissioner's decision as to the amount of assessment payable for the land unauthorizedly occupied shall be conclusive, and, in the determination¹ [of] its amount, occupation for an incomplete portion of a year shall be counted as for a whole year.

(3) Any person unauthorizedly occupying any such land may be summarily evicted by the Deputy Commissioner, and any crop which he may have raised on the land shall be liable to forfeiture, and any building or other construction which he may have erected thereon shall also, if not removed by him after such written notice as the Deputy Commissioner may deem reasonable, be liable to forfeiture.

(4) Forfeitures under this section shall be adjudged by the Deputy Commissioner, and any property so forfeited shall be disposed of as the Deputy Commissioner may direct.

60. (1) The Deputy Commissioner may, subject to such orders as may from time to time be made by the Resident, before accepting an agreement under section 58, require the payment of a certain price for the occupancy or sell that right by auction or annex such conditions, not inconsistent with this Law or any law, rule or order for the time being in force, to the occupancy as may seem fit.

(2) The price of an occupancy shall include the price of the Government right to all trees not specially reserved under the provisions of section 43.

61. (1) When it appears to the Deputy Commissioner that the occupancy of any alluvial land which vests in Government, or order for the time being in force, in the Government, may, with due regard to the interests of the public revenue, be disposed of in perpetuity, he shall offer the prior right of occupancy thereof to the occupant, if any, of the bank or shore on which such alluvial land has formed.

(2) The price of an occupancy so offered shall not exceed three times the annual assessment of the land of which the occupancy is offered.

(3) If the said occupant shall refuse such occupancy, the Deputy Commissioner may dispose of the same under the last foregoing section without any restrictions as to the price thereof.

62. When alluvial land forms on any bank or shore, the occupant, if any, of such bank or shore shall be entitled to the temporary use and occupation thereof, unless or until the area of the same exceeds half an acre and also exceeds one-tenth of the area of his holding. When the area of the alluvial land

¹ Inserted by Notification No. 2831-I.B., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

exceeds the said extent, it shall be at the disposal of the Deputy Commissioner, subject to the provisions of the last foregoing section.

Occupant's Rights.

63. (1) An occupant of land appropriated for agricultural purposes is entitled to use to which occupant of land for agricultural purposes may put his land. by himself, his servants, tenants, agents or other legal representatives, to erect farm buildings, construct wells or tanks, or make any other improvements thereon for the better cultivation of the land or its more convenient occupation for the purposes aforesaid.

(2) If any occupant wishes to appropriate his holding or any part thereof to any other purpose, he shall apply to the Deputy Commissioner for permission. The Deputy Commissioner on receipt of such application shall at once furnish the applicant with a written acknowledgment of its receipt, and after inquiry may either grant or refuse the same. Unless the Deputy Commissioner shall in a particular instance otherwise direct, no such application shall be recognized except it be made by the registered occupant.

(3) When any such land is thus appropriated to any purpose unconnected with agriculture, the Deputy Commissioner may, subject to any instructions given under section 216, require the payment of a premium in addition to any new assessment which may be leviable under the provisions of section 52.

64. If any such land be so appropriated without the permission of the Deputy Commissioner first obtained, the occupant and any tenant, or any other person holding under or through him, shall be liable to be summarily evicted by the Deputy Commissioner from the land so appropriated and from the entire field or survey-number of which it may form a part, and the occupant shall also be liable to pay, in addition to the new assessment which may be leviable under the provisions of section 52 for the period during which the said land has been so appropriated, such penalty as the Deputy Commissioner may, subject to any instructions given under section 216, impose.

65. Nothing in the two last foregoing sections shall prevent the granting of the permission aforesaid in special cases on such terms as may be agreed on between the Government and the occupant.

66. An occupant is entitled to the use and occupation of his land for the period, if any, to which his occupancy is limited, or, if the period be unlimited or a survey-settlement has been extended to the land, in perpetuity, conditionally on the payment of the amounts due on account of the land-revenue for the same according to the provisions of this Law, or of any rules made under this Law, or of any law, rule or order for the time being in force, and on the fulfilment of any other terms lawfully annexed to his occupancy.

67. The right of the Government to mines and mineral products in all unalienated land is, and is hereby declared to be, expressly reserved :

Reservation of right of Government to mines and minerals.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land revenue Code, 1896—*contd.*

Provided that nothing in this section shall be deemed to affect any subsisting rights of any occupant of such land in respect of such mines or mineral products.

68. If an occupant dies intestate and without known heirs, the Deputy Commissioner shall, subject to the provisions of this Law or of any law, rule or order for the time being in force for the sale of forfeited occupancies in realization of the land-revenue, dispose of his interest in the occupancy by sale, and the law for the time being in force concerning property left by such occupant dying intestate and without known heirs shall not be deemed to apply to the said interest, but only to the proceeds of such sale after deducting all arrears of land-revenue due by the deceased to the Government and all the expenses of the said sale.

Relinquishment of Occupancy.

69. (1) A registered occupant may, by giving a notice in writing to the Tahsildar, relinquish the occupancy either absolutely or in favour of a specified person :

Provided that such relinquishment shall include all rights in whole survey-numbers or in whole recognized divisions of survey-numbers.

(2) An absolute relinquishment shall be deemed to have effect from the close of the current revenue-year, and notice thereof shall be given before the thirty-first day of March in such year or before such other date as may be from time to time prescribed in this behalf for each district by the Resident. A relinquishment in favour of a specified person may be made at any time if no arrears of land-revenue are due in respect of the land.

70. If any person relinquishes land the way to which lies through other land retained by him, the right of way through the land so retained shall continue to the future holder of the land relinquished.

The Registered Occupant.

71. The person who has last executed an agreement in respect of any land under section 58, section 72 or section 73, is the registered occupant of that land, and shall, as such, be liable for the land-revenue and other demands of the Government in respect of the land until such time as the occupancy is relinquished absolutely under section 69, or until some other person is recognized as the registered occupant under the provisions of section 72 or section 73.

Registered occupants and their liabilities.
Transfers of their rights are to be recognized by the Deputy Commissioner, otherwise than on decree or order of a Civil Court.

72. The Deputy Commissioner may, subject to the provisions of section 73, recognize another person as the registered occupant in the following cases :—

(1) where the registered occupant has died, the Deputy Commissioner may recognize the person who appears to him to be the heir, or, where there are more heirs than one, the principal heir, of the deceased registered occupant;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

- (2) where an occupancy has been relinquished in favour of a specified person, the Deputy Commissioner may recognize the person in whose favour the occupancy has been relinquished ;
- (3) where an occupancy has been taken possession of under section 57, the Deputy Commissioner may recognize the purchaser or other person placed in possession ;
- (4) where the interests of a registered occupant have been sold under section 68 or under the provisions of Chapter XI, the Deputy Commissioner may recognize the purchaser ;
- (5) where the registered occupant consents that another person shall be recognized as registered occupant in his stead, the Deputy Commissioner may recognize such person ;

and the Deputy Commissioner shall, subject to the provisions of section 73, recognize the person who appears to be the heir or principal heir, the person placed in possession, the purchaser or the person in whose favour the occupancy has been relinquished, or to whose recognition the registered occupant consents, as the case may be, on his executing an agreement to become the registered occupant in such form as may be prescribed by the Deputy Commissioner.

73. If, by the decree or order of a competent Court, it is adjudged that the registered occupant is an inferior holder under Transfers to be recognized on another person, or that another person is entitled to be the registered occupant, or if, in execution of such decree or order, the interests of a registered occupant have been transferred by sale or otherwise to another person, the Deputy Commissioner may recognize such other person, and he shall recognize such other person on his producing a certified copy of the decree or order or the Court's certificate of the sale or transfer and on his executing an agreement to be such occupant in such form as the Deputy Commissioner may prescribe.

74. Save as provided in sections 69, 71, 72 and 73, the Deputy Commissioner shall not be bound to recognize any person to whom any interest in any portion of an occupancy has been assigned.

75. In the absence of proof to the contrary, it shall be presumed that every person shewn in a settlement-register or in village-records as the registered occupant did execute an agreement to become the registered occupant at some time before the preparation of the register or record, and that he was the last person who had executed such an agreement at the time when the register or record was prepared.

Remedies against Forfeiture of Occupancies.

76. In order to prevent the forfeiture of an occupancy, under the provisions of section 56 or of any other law for the time being in force, through non-payment by the registered occupant of the land-revenue due on account thereof, any co-occupant, tenant, mortgagee or other person interested in the continuance of the occupancy may pay, on behalf of certain persons other than the registered occupant may pay the land-revenue.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

such registered occupant, all sums due on account of the land-revenue, and the Deputy Commissioner may receive the same.

Suspension of certain provisions of this Chapter.

77. (1) The Resident may, by notification, from time to time,—
 Resident empowered to suspend operation of section ¹ [58 or 69].

(a) suspend the operation of section 58 or of section 69 or of both within any prescribed local area, either generally or in respect of cultivators or occupants of a particular class or classes; and

(b) cancel any such notification.

(2) During the period for which any notification under clause (a) is in force within any local area, such rules shall be substituted for the provisions of which the operation is suspended, as the Commissioner shall from time to time direct.

CHAPTER VII.

SUPERIOR AND INFERIOR HOLDERS AND GRANT OF RECEIPTS.

Tenants' Rights.

78. (1) A person placed, as tenant, in possession of land by another, or in that capacity, holding, taking or retaining possession of land permissively from, or by sufferance of, another shall be regarded as holding the same at the rent, or for the services, agreed upon between them, or, in the absence of satisfactory evidence of such agreement, at the rent payable or services renderable by the usage of the locality, or, if there is no such agreement or usage, shall be presumed to hold at such rent as, regard being had to all the circumstances of the case, shall seem just and reasonable.

(2) Where, by reason of the antiquity of a tenancy, no satisfactory evidence of its commencement and of the period agreed upon between the landlord and tenant, or those under whom they respectively claim, for its duration, is forthcoming, and there is no usage of the locality as to its duration, the period of its intended duration shall, as against the immediate landlord of the tenant, be presumed to be co-extensive with the duration of the tenure of such landlord and those who derive title under him.

(3) Where there is no satisfactory evidence of the capacity in which a person in possession of land, in respect of which he renders service or pays rent to the landlord, received, holds or retains possession of the same, it shall be presumed that he is in possession as tenant.

(4) Nothing contained in this section shall affect the right of the landlord (if he has the same by virtue of agreement, usage or otherwise) to enhance the rent payable or services renderable by the tenant up to a degree which shall, in the judgment of the Court, be just and reasonable and to sue for the eviction of the tenant for non-payment of the rent or non-rendition of the services, either respectively originally fixed or duly enhanced as aforesaid.

¹ Amended by Notification No. 2831-I, dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

(5) The rent for the time being payable or the service for the time being renderable by a tenant shall, for the purposes of this section, be presumed to be just and reasonable till the contrary is proved.

(6) In determining what shall be considered a reasonable rent, the Court shall not take into consideration as against the tenant the enhanced value of the property due to improvements effected by the tenant

(7) In the case of a Court decreeing the ejectment of a tenant, holding otherwise than under an express agreement, on the ground of non-payment of rent, the Court may consider whether the tenant has made improvements, and may pass a decree for ejectment, subject to the payment by the landlord of such sum as may be considered just and reasonable compensation for the unexhausted improvements.

(8) The rent of a tenant holding otherwise than under an express agreement shall not be enhanced without notice in writing served by the landlord upon the tenant at least six months before the commencement of the agricultural year from which the enhancement is to take effect, through a Revenue-officer and in accordance with instructions to be given by the Resident in this behalf.

79. (1) An annual tenancy shall, in the absence of proof to the contrary, be presumed to run from the end of one agricultural year to the end of the next.

(2) An annual tenancy shall, in the absence of any special agreement to the contrary, require for its termination a notice in writing, in the form contained in the fifth schedule or in a form to the like effect, given by the landlord to the tenant, or by the tenant to the landlord, at least three months before the end of the agricultural year of tenancy at the end of which it is intimated that the tenancy is to cease.

Grant of Receipts.

80. (1) Every Revenue-officer receiving any money on account of land-revenue or recoverable as land-revenue shall, on demand by the person paying or delivering such money, grant a receipt for the same :

Receipts to be granted by Revenue-officers for payments of land-revenue.

Provided that, when such payment or delivery is made by a registered occupant or his servant or agent, the Revenue-officer may refuse to grant a receipt unless a receipt book, in such form as the Commissioner may from time to time prescribe, is produced for the record of the payment.

(2) Every patel or patwari refusing to grant a receipt under the proviso to sub-section (1) shall report to the Tahsildar the fact of such refusal within twenty-four hours.

81. Whoever, in contravention of the provision of the last foregoing section, refuses or neglects to grant a receipt, or, having refused to grant a receipt, neglects to report the fact of such refusal, shall, on conviction by the Deputy Commissioner, be liable to a fine not exceeding three times the amount received or refused.

Penalty for failure to grant receipts or report refusal.

82. (1) Any landholder receiving any payment, whether in money or in kind, on account of revenue or rent from an inferior holder or tenant shall, give to the payer a written

Landholders, to grant receipts.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b) Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

receipt for the payment, which receipt shall be signed by the landholder and shall specify such particulars as may be prescribed by the Resident.

(2) If such receipt does not contain substantially the particulars prescribed by the Resident, it shall be presumed, till the contrary is shown, to be an acquittance in full of all demands for revenue or rent up to the date on which it was given.

CHAPTER VIII.

SURVEY-SETTLEMENTS.

83. (1) The Resident may, with the previous sanction of the Governor General in Council, whenever it may seem expedient, direct the survey of any land in any part of the Hyderabad Assigned Districts, with a view to the settlement of the land-revenue and to the ascertainment and record of rights and liabilities of every description connected with the land or for any other similar purpose, and such survey shall be called a revenue-survey. Such survey may extend to all lands generally in a specified area or to such land only as the Resident may direct; and, subject to the orders of the Resident, the officers conducting any such survey may except from the survey-settlement any land to which it may not seem expedient that such settlement should be applied.

(2) Every revenue-survey and every operation in connection with a revenue-survey shall be conducted in accordance with any instructions for the administration thereof given under section 216.

(3) Subject to any instructions given under section 216, the control of every revenue-survey shall vest in and be exercised by the Commissioner, subject to the general orders of the Resident.

84. (1) The Deputy Commissioner and any officer deputed to conduct or take part in any revenue-survey may require, by general notice or by summons, the attendance of holders of land and of others interested therein in person or by legally constituted agent duly instructed and able to answer all material questions, and the presence of ex-pargana and village officers who in their several stations and capacities are, legally or by usage, bound to perform service in virtue of their respective offices, and require from them such assistance in the operations of the survey and such service in connection therewith as may, in each case, not be inconsistent with the position of the individual so called on.

(2) The Deputy Commissioner or other officer aforesaid may also call upon all holders of land and other persons interested therein to assist in the measurement or classification of the lands to which the survey extends by furnishing flagholders, and, in the event of a necessity for employing hired labour for this or other similar objects incidental to the survey operations, may assess the cost thereof, with all contingent expenses, on the lands surveyed for collection as a revenue-demand.

85. (1) In order to facilitate the work of classification, assessment and record, the Deputy Commissioner or other officer aforesaid shall divide the lands to which the survey extends, into portions of a convenient size and shape to be called survey-numbers, and group the survey-numbers in villages. In forming survey-numbers and grouping them in

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

villages, regard shall be paid to existing divisions, to departmental orders and to the orders of the Resident.

(2) At the time of the revision of a survey, the Deputy Commissioner or other officer aforesaid may, subject to the above considerations, recognize existing survey numbers, join distinct survey-numbers so as to form a single survey-number, or subdivide survey-numbers so as to form distinct survey-numbers.

86. (1) When two or more holdings are included in a single survey-number, the Deputy Commissioner or other officer aforesaid may recognize such holdings without forming separate survey-numbers. Holdings so recognized shall be called recognized divisions of survey-numbers.

(2) The provisions of the Law relating to survey-numbers shall be applicable, so far as may be, to recognized divisions ¹ [of] survey-numbers.

87. (1) Except as hereinafter provided, no survey-number comprising land used for agricultural purposes only shall be made of less extent than a minimum to be fixed from time to time for the several classes of land in each district by the Commissioner, with the sanction of the Resident. A record of the minima so fixed shall be kept in the Tahsildar's office in each taluk, and shall be open to the inspection of the public at reasonable times.

(2) The provisions of sub-section (1) shall not apply to survey-numbers which have already been made of less extent than the minima so fixed, or which may be so made under the authority of the Commissioner given either generally or in any particular instance in this behalf; and any survey-number separately recognized in the survey-records shall be deemed to have been authorizedly made, whatever be its extent.

88. (1) Subject to the control of the Resident, the Deputy Commissioner or other officer in charge of a survey shall have authority to fix the assessment of land-revenue, at his discretion on all lands within the local operation of an order made under section 83, which are not wholly exempt from land-revenue, and the amounts due according to such assessment shall, subject to the provisions of section 90, be levied on all such lands.

(2) In fixing such assessment regard shall be had to the requirements of the proviso to section 53.

(3) But nothing in this section shall be deemed to prevent the officer aforesaid from determining and registering on lands wholly or partially exempt from payment of land-revenue, or on lands specially excepted under section 83 from the survey settlement, the proper full assessment which would be payable but for such exemption or exception, or from dividing all such lands to which the survey extends into survey-numbers.

89. The power to assess under the last foregoing section shall, in the case of lands used for agricultural purposes only, include the power to assess, whether directly on the land or in the form of a rate or cess upon any means of irrigation or in any other manner whatsoever that may be sanctioned by the Resident.

¹ Inserted by Notification No. 2831-I, dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

90. (1) The assessment fixed by the Deputy Commissioner or other officer in charge of a survey shall not be levied without the sanction of the Resident or of such other officer as the Governor General in Council may from time to time direct.

Assessments so made not leviable without the sanction of the Resident; but may be fixed, with or without modification, by the Resident for a term of years.

(2) The Resident may, with the previous sanction of the Governor General in Council, declare such assessment, with any modifications that may be deemed necessary, fixed for a term of years not exceeding thirty in the case of lands used for agricultural purposes only and not exceeding ninety in any other case.

91. (1) When the Resident or other officer aforesaid shall have sanctioned the levy of the assessments fixed by the officer in charge of the survey, the Deputy Commissioner, or other officer in charge of the survey, or such other officer not below the rank of an Extra Assistant Commissioner as may be specially appointed for the purpose by the Deputy Commissioner, shall publicly announce or cause to be announced the assessment fixed on each survey-number.

Introduction of survey-settlement how to be made.

(2) The Deputy Commissioner, or other officer in charge of the survey, or the specially appointed officer, shall, at a reasonable time beforehand, cause public notice to be given, in such manner as he shall deem fit, of the time at or about which the assessments will be announced as aforesaid.

(3) If the holder or other person interested in any holding does not appear in person or by agent, he shall be subject, nevertheless, to the same liabilities as if he had attended.

(4) When the assessments have been announced in the manner provided in sub-section (1), the survey-settlement shall be held to have been introduced.

92. (1) In the revenue-year in the course of which a survey-settlement, whether original or revised, is introduced under the last foregoing section, the difference between the old and the new assessment of all lands on which the latter may be in excess of the former, shall be remitted, and the revised assessment shall be levied only from the next following revenue-year.

Excess assessment not to be levied in the year in which a survey-settlement is introduced; nor in the following year if the number is resigned that year.

(2) In the revenue-year next following that in which any original or revised survey-settlement has been introduced, any occupant who is dissatisfied with the increased rate imposed by such new assessment on any of the survey-numbers held by him, shall, on resigning such number in the manner prescribed by section 69 on or before the thirty-first day of March, receive a remission of the increase so imposed.

93. The fixing of the assessment under the provisions of section 90 shall be strictly limited to the assessment of the ordinary land-revenue, and shall not operate as a bar to the levy of any cess which the Governor General in Council may impose or sanction, under the provisions of this Law or of any law, rule or order for the time being in force, for purposes of local improvement, such as schools, village and district roads, bridges, tanks, wells, accommodation for travellers, and the like, or for the support of the

The fixing of assessment under section 90 limited to ordinary land-revenue.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

jaghia force, or as a bar to the levy of any rate for the use of water which may be imposed under the provisions of section 55.

94. (1) The Resident may, with the previous sanction of the Governor General in Council, at any time direct a fresh revenue-survey or any operation subsidiary thereto, but no enhancement of assessment shall take effect till the expiration of the period previously fixed under the provisions of section 90.

The Resident, with the previous sanction of the Governor General in Council, may direct a fresh survey and revision of assessment; but improvements made from private capital and resources not to be assessed.

(2) In revising assessments of land-revenue regard shall be had to the value of land, and, in the case of land used for agricultural purposes, to the profits of agriculture :

Provided that, if any improvement has been effected in any land during the currency of a settlement by, or at the cost of, the holder thereof, the increase in the value of such land or in the profit of cultivating the same due to the said improvement shall not be taken into account in fixing the revised assessment thereof at the next subsequent settlement :

Provided, also, that nothing in this section shall affect the provisions of the first XIX of 1883. proviso to section 11 of the Land Improvement Loans Act, 1883.

Explanation.—The word “improvement” in this section includes wells and works of surface and subsoil drainage, if any, made by, or at the cost of, the holder.

95. In the event of any alienated village coming under the temporary management of the Government, the Deputy Commissioner may let out the lands thereof at rates determined by means of a survey-settlement or at such other fixed rates as he may deem to be reasonable, and sell the occupancy of unoccupied lands by auction, and otherwise conduct the revenue-management thereof under the rules for the management of unalienated lands, so far as such rules may be applicable, and for so long as the said village shall be under the management of the Government officers :

Revenue-management of villages not belonging to Government that may be temporarily under Government management.

Provided that any written agreements relating to the land made by the superior holder of such village shall not be affected by any proceedings under this section in so far as they shall not operate to the detriment of the lawful claims of the Government on the land.

96. When any portion of cultivable land is appropriated under the provisions of section ¹[63 or 65] for any non-agricultural purpose, the portion so appropriated may, with the sanction of the Deputy Commissioner, be demarcated and made into a separate survey-number at any time, notwithstanding the provisions of section 87.

Separate demarcation of land appropriated under section¹ [63 or 65].

¹The figures and word “63 or 65” were substituted for the figures and word “51 or 53” in the section and marginal note by Notification No. 2831-I., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*The Hyderabad Assigned Districts Land revenue Code, 1893—*contd.*

CHAPTER IX.

THE SETTLEMENT OF BOUNDARIES AND THE CONSTRUCTION AND MAINTENANCE OF
BOUNDARY-MARKS.

97. The boundaries of villages situated in the Hyderabad Assigned Districts shall be fixed, and all disputes relating thereto shall be determined, by the Deputy Commissioner or by such other officer as may be nominated by the Resident for the purpose, and every such officer shall be guided by the following rules.

Rule 1.—If the patels and other village-officers of any two or more adjoining villages and, in the case of an alienated village, the holder thereof or his duly constituted agent, voluntarily agree to any given line of boundary as the boundary common to their respective villages, the officer determining the boundary shall require the said parties to execute an agreement to that effect, and shall then mark off the boundary in the manner agreed upon. Every village-boundary fixed in this manner shall be held to be finally settled, unless it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means :

Provided that, if the Commissioner is satisfied that the agreement was arrived at under a *bona fide* mistake as to a matter of fact essential to the agreement, he may, on application made to him at any time within one year of the date of the agreement, sanction its revision.

Rule 2.—If the patels and other village-officers and, in the case of an alienated village, the holder thereof or his duly constituted agent do not agree to fix the boundaries of their respective villages in the manner prescribed in the last foregoing rule, or if it shall appear to the said officer that the agreement has been obtained by fraud, intimidation or any other illegal means, or if there is any pending dispute, the said officer shall make a survey and plan of the ground in dispute, exhibiting the land claimed by the contending parties and all particulars relating thereto, and shall hold an inquiry into the claims of the said parties and thereafter make an award in the case. If either of the villages concerned is alienated, the award shall be subject to confirmation by the Commissioner.

98. If, at the time of survey, the boundary of a field or holding is undisputed and its correctness is affirmed by the village officers then present, it may be laid down as pointed out by the holder or person in occupation, and if it be disputed, or if the said holder or person in occupation be not present, it shall be fixed by the Deputy Commissioner or other officer deputed to conduct or take part in the survey according to the village-records and according to occupation as ascertained from the village-officers and the holders of adjoining lands, or on such other evidence or information as the Deputy Commissioner or such other officer may be able to procure.

(2) If any dispute arises concerning the boundary of a field or holding which has not been surveyed, or if at any time after the completion of a survey a dispute arises concerning the boundary of any survey-number, it shall be determined by the Deputy Commissioner, who shall be guided in the case of survey-numbers by the survey-records, if they afford satisfactory evidence of the boundary previously fixed, and, if not, by such other evidence as he may be able to procure.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

99. (1) If the several parties concerned in a boundary-dispute agree to submit Settlement of boundary disputes the settlement thereof to an arbitration committee by arbitration. and make application to that effect in writing, the officer whose duty it would otherwise be to determine the boundary, shall require the said parties to nominate a committee of not less than three persons within a specified time, and if, within a period to be fixed by the said officer, the committee so nominated, or a majority of the members thereof, arrive at a decision, such decision, when confirmed by the said officer, or, if the said officer be lower in rank than the Deputy Commissioner, by the Deputy Commissioner, shall be final :

Provided that the said officer or Deputy Commissioner shall have power to When award may be remitted for remit the award or any of the matters referred to reconsideration. arbitration to the reconsideration of the same committee for any of the causes set forth in section 520 of the Code of Civil Procedure.¹

(2) If the committee appointed in the manner aforesaid fails to effect a settlement of the dispute within the time specified, it shall be the duty of the officers aforesaid, unless he, or, if the said officer is lower in rank than the Deputy Commissioner, the Deputy Commissioner sees fit to extend the time, to settle the same as otherwise provided in this Law.

100. The settlement of a boundary under any of the foregoing provisions of this Effect of the settlement of a chapter shall, subject to the provisions of Chapter boundary. XVII, be conclusive of the proper position of the boundary line or boundary-marks.

Boundary marks.

101. (1) Every Revenue-officer authorized by the Deputy Commissioner shall have power to have boundary-marks of villages or survey-numbers, whether cultivated or uncultivated, constructed or repaired and to assess all charges incurred thereby on the holders or others having an interest therein.

(2) Every such officer shall, by a notification posted in the chauri or some other public place in the village to which the lands concerned belong, require the holders of survey-numbers to construct or repair, within a specified time, the boundary-marks of their respective survey-numbers, and, on their failure to comply with the requisition so made, may construct or repair them, and assess all charges incurred thereby as hereinbefore provided.

(3) A general notification issued in the manner aforesaid shall be held to be good and sufficient notice to each and every person having any interest in any survey-numbers in lands within the local operation of an order under section 83.

(4) The size, material and description of boundary-marks shall be such as the Commissioner, having regard to the requirements of soil and climate, may deem necessary

(5) The Commissioner may direct that a vacant strip of ground, of such width as he may think fit, shall be reserved as a boundary mark.

¹ The Code of Civil Procedure (Act XIV of 1882) is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

102. (1) If any person wilfully destroys or injures, or without lawful authority removes a boundary-mark lawfully erected, or commits mischief in respect of, or takes possession of, any strip of land reserved as a boundary-mark under section 101, sub-section (5), he may be ordered by ¹[the] Tahsildar to pay such fine not exceeding fifty rupees for each mark so destroyed, injured or removed, or strip of land so injuriously affected, as may, in the opinion of the Tahsildar, be necessary to defray the expense of restoring the same and of rewarding the informant, if any.

(2) The imposition of a fine under this section shall not bar a prosecution under section 434 of the Indian Penal Code. ²

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CHAPTER X.

LANDS WITHIN THE SITES OF VILLAGES, TOWNS AND CITIES.

Fixing of Sites.

103. The Deputy Commissioner or other officer in charge of a survey, acting under the general or special orders of the Resident, may determine what lands are included within the site of any village, town or city, and may fix and from time to time may vary the limits of the same, regard being had to all subsisting rights of landholders.

Miscellaneous.

104. If the Resident at any time deems it expedient to direct a survey of the lands, other than those used ordinarily for agricultural purposes only, within the site of any village, town or city, under the provisions of section [83]³ or a fresh survey thereof under the provisions of section [94]³, such survey shall be conducted, and all its operations shall be regulated, according to the provisions of Chapters VIII and IX :

Provided that nothing contained in sections 84, 89, 91, 92 and 97 shall be considered applicable to any such survey in any town or city containing more than two thousand inhabitants.

CHAPTER XI.

REALIZATION OF LAND-REVENUE AND OTHER REVENUE-DEMANDS.

Responsibility for Land-revenue.

105. (1) The registered occupant shall be primarily responsible to the Government for the land-revenue of unalienated land, and the superior holder shall be primarily responsible to Government for the land-revenue of alienated land.

Primary and secondary responsibility for land-revenue and allowance of credit for payments made by person not primarily responsible.

¹ The word "the" in s. 102 was substituted for the word "a" by Notification No. 2831-I., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

² The Indian Penal Code is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

³ The figures "83" and "94" in s. 104 were substituted for the figures "53" and "80" respectively in s. 104 by Notification No. 2831-I., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 682.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(2) On failure of the person primarily responsible to the Government for the land-revenue to pay the same according to any law, rule or order for the time being in force in that behalf, it may be recovered from the co-occupant of unalienated land or the co-sharer of alienated land, or in either case from the inferior holder, tenant or other person in actual occupation of the land.

(3) When land-revenue is recovered from any such co-occupant, co-sharer, inferior holder, tenant or other person, he shall be allowed credit for all payments which he may have made to the registered occupant or superior holder, or to his landlord, at or after the prescribed or usual times of such payments, and he shall be entitled to credit in account with the registered occupant or superior holder, or with his landlord, for the amount recovered from him.

Priority of Government Claim for Land-revenue.

106. The claim of the Government to any moneys recoverable under the provisions of this chapter shall have priority over any other debt, demand or claim whatsoever, whether in respect of mortgage, judgment, decree, execution, attachment or otherwise, against any land or the holder thereof.

107. In all cases the land-revenue for the current revenue-year of land used for agricultural purposes, if not otherwise discharged, shall be recoverable, in preference to all other claims, from the crop of the land subject to the same.

Land-revenue when leviable.

108. The land-revenue shall be leviable on or at any time after the first day of the revenue year for which it is due; but, except when precautionary measures are deemed necessary under the provisions of sections 109 to 113 (both inclusive), payment shall be required only on the dates to be fixed under the provisions hereinafter contained.

Precautionary Measures for the security of the Land-revenue.

109. When the crop of any land or any portion of the same is sold, mortgaged or otherwise disposed of, whether by order of a Civil Court or other public authority, or by private agreement, the Deputy Commissioner may prevent its being removed from the land until the revenue of the said land for the current revenue-year has been paid, whether the date fixed for the payment of the same, under the provisions hereinafter contained, has yet arrived or not. But in no case shall a crop, or any portion of the same, which has been sold, mortgaged or otherwise disposed of, be detained on account of more than one year's revenue.

To secure land-revenue, the Deputy Commissioner may prevent reaping or removal of crop, appointing watchman if necessary.

110. In order to secure the payment of the land-revenue by enforcement of the lien of the Government on the crop, the Deputy Commissioner may—

- (a) require that the crop growing on any land liable to the payment of land-revenue shall not be reaped until a notice in writing has first been

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

given to himself or to some other officer to be named by him in this behalf, and such notice has been returned endorsed with an acknowledgment of its receipt;

(b) direct that no such crop shall be removed from the land on which it has been reaped, or from any place in which it may have been deposited without the written permission of himself or of some other officer as aforesaid;

(c) cause watchmen to be placed over any such crop to prevent the unlawful reaping or removal of the same, and realize the amount required for the remuneration of the said watchmen, at such rate not exceeding the rate of pay received by the peons on his establishment as he may deem fit, as an arrear of land-revenue due in respect of the land to which such crop belongs.

111. (1) The Deputy Commissioner's orders under either clause (a) or clause (b) of the last foregoing section may be issued generally to all the holders of land paying revenue to the Government in a village, or to individual holders only.

Notification and enforcement of Deputy Commissioner's orders under last section.

(2) If the order is general, it shall be made known by public proclamation, to be made by beat of drum in the village and by affixing a copy of the order in the chauri or some other public place in the village. If it is to individual holders, a notice thereof shall be served on each holder concerned.

(3) Whoever disobeys any such order after the same has been so proclaimed or a notice thereof has been served upon him, or abets, within the meaning of the Indian Penal Code, the disobedience of any such order, shall be liable, on conviction XLV of 1860. by the Deputy Commissioner, to fine not exceeding double the amount of the land-revenue due on the land to which the crop belongs in respect of which the offence is committed.

112. The Deputy Commissioner shall not defer the reaping of the crop nor

Reaping and harvesting of crop and release of the same in whole or part.

prolong its deposit unduly so as to damage the produce, and, if within two months after the crop has been deposited, the revenue due has not been discharged, he shall either release the crop and proceed to realize the revenue in any other manner authorized by this chapter, or take such portion thereof as he may deem fit for sale, under the provisions of this chapter applicable to sales of moveable property, in realization of the revenue due and of all legal costs, and release the rest.

113. (1) If, owing to disputes among the sharers or for any other cause, the

Temporary attachment and management of a village or share of a village.

Deputy Commissioner considers that there is reason to apprehend that the land-revenue payable in respect of any holding consisting of an entire village or of a share of a village will not be paid as it falls due, he may cause the village or share of a village to be attached and taken under the management of himself or any agent whom he may appoint in this behalf.

(2) The provisions of section 129 shall apply to any village so attached, and all surplus profits of the land attached, beyond the cost of such attachment and management, including the cost of the introduction of a revenue-survey, if the same is introduced under the provisions of section 95, shall be kept in deposit for

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

the eventual benefit of the person or persons entitled to the same, or paid to the said person or persons from time to time as the Deputy Commissioner, subject to the orders of the Commissioner, may direct.

114. The precautionary measures authorized by the last five foregoing sections shall be relinquished, if the person primarily responsible for the payment of revenue, or any person who would be responsible for the same if default were made by the person primarily responsible, pays the costs, if any, lawfully incurred by the Deputy Commissioner up to the time of such relinquishment, and furnishes security satisfactory to the Deputy Commissioner for the payment of the revenue at the time at which, or in the instalments, if any, in which, it is payable under the provisions hereinafter contained.

Regulation of Payment of Land revenue.

115. The land-revenue, except when it is recovered under the provisions of sections 109 to 113 (both inclusive), shall be payable at such times, in such instalments, to such persons and at such places, as may from time to time be determined under the orders of the Resident.

The Resident to determine the dates, etc., on which land-revenue shall be payable.

Defaulters.

116. Any sum not so paid becomes thereupon an arrear of land-revenue, and the persons responsible for it, whether under the provisions of section 105 or of any other section, become defaulters.

Definitions of "arrear" and "defaulter."

117. If any land-revenue is not fully paid within the prescribed time, the Deputy Commissioner may proceed to levy at once the entire balance of land-revenue due by the defaulter for the current revenue-year, in addition to such charge as a penalty, or by way of interest, as may be authorized according to a scale to be from time to time fixed under the orders of the Resident.

Liabilities incurred by default.

118. A statement of account, certified by the Deputy Commissioner or by the Tahsildar, shall, for the purposes of this Chapter, be conclusive evidence of the existence of the arrear, of the amount of land-revenue due and of the person who is the defaulter.

Certified account to be evidence as to arrears.

Recovery of Arrears.

Process for recovery of arrears.

119. Every arrear of land-revenue may be recovered by any one or more of the following processes, namely:

- (a) by service of a written notice of demand on the defaulter, under section 121;
- (b) by distraint and sale of the defaulter's immoveable property, under section 122;
- (c) by sale of the defaulter's immoveable property, under section 123;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

- (d) by arrest and imprisonment of the defaulter, under sections 125 and 126;
- (e) by forfeiture of the occupancy or alienated holding in respect of which the arrear is due, under section 127;
- (f) in the case of alienated holdings consisting of entire villages, or shares of villages by attachment of the said villages, under sections 128 to 132.

120. All or any of the processes specified in the last foregoing section may be employed for the recovery of arrears of former revenue-years as well as of the current revenue-year, but the preferences given by sections 106 and 107 shall apply only to demands for the current revenue-year:

Provided that any process commenced in the current revenue-year shall be entitled to the said preferences notwithstanding that it may not be fully executed within that revenue-year.

Notice of Demand.

Issue of notice of demand.

121. (1) A notice of demand may be issued on or after the day following that on which the arrear accrues.

(2) The Commissioner may from time to time frame rules for the issue of such notices, and with the sanction of the Resident shall fix the costs recoverable from the defaulter as an arrear of land-revenue, and direct by what officer such notices shall be issued.

Sale of Defaulter's Property.

Distrain and sale of defaulter's moveable property.

122. (1) The Deputy Commissioner may also cause the defaulter's moveable property to be distrained and sold.

(2) Such distrain shall be made by such officers or class of officers as the Commissioner, under the orders of the Resident, may from time to time direct.

123. The Deputy Commissioner may also cause the right, title and interest of the defaulter in any immoveable property, other than the land on which the arrear is due to be sold.

Sale of defaulter's immoveable property.

124. (1) All such property as is by the Code of Civil Procedure¹ exempted from attachment or sale in execution of a decree shall also be exempt from distrain or sale under either of the two last foregoing sections.

Exemption from distrain and sale.

(2) The decision of the Deputy Commissioner as to what property is so entitled to exemption shall be conclusive.

¹ The Code is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.****Arrest and Imprisonment.*

125. (1) At any time after an arrear becomes due the defaulter may be arrested and detained in custody for ten days in the office of the Deputy Commissioner or of the Tahsildar, unless the revenue due, together with the penalty or interest and the costs of arrest and of notice of demand, if any has issued, and the cost of the defaulter's subsistence during detention, is sooner paid.

(2) If, on the expiry of ten days, the amount due by the defaulter is not paid, then or, if the Deputy Commissioner deems fit, on any earlier day, the defaulter may be sent by the Deputy Commissioner with a warrant, in the form contained in the third schedule, for imprisonment in the civil jail of the district :

Provided that no defaulter shall be detained in imprisonment for a longer period than one month.

126. The Commissioner may, with the sanction of the Resident, from time to time, declare by what officers the powers of arrest exercised. conferred by section 125 may be exercised, and may also fix the costs of arrest and the amount of subsistence-money to be paid by the Government to any defaulter under detention or imprisonment.

Forfeiture of Occupancy or Alienated Holding.

127. The Deputy Commissioner may also at his discretion declare the occupancy or alienated holding in respect of which an arrear of land-revenue is due to be forfeited, either wholly or partially, and may dispose of the same as provided in section 56.

Attachment of alienated holdings consisting of entire villages or shares of villages.

128. If the alienated holding in respect of which an arrear is due, consists of an entire village or of a share of a village, and the adoption of any of the other processes hereinbefore specified is deemed inexpedient, the Deputy Commissioner may, with the previous sanction of the Commissioner, cause such village or share of a village to be attached and taken under the management of himself or any agent whom he may appoint in this behalf.

129. (1) The lands of any village or share of a village so attached shall revert to the Government unaffected by any acts of the superior holder or of any of the sharers, or by any charges or liabilities subsisting against such lands, or against such superior holder or sharers as are interested therein, so far as the public revenue is concerned, but without prejudice in other respects to the rights of individuals.

(2) The Deputy Commissioner or the agent appointed as aforesaid shall be entitled to manage the lands attached and to receive all rents and profits accruing therefrom, to the exclusion of the superior holder or any of the sharers thereof, until the Deputy Commissioner restores the said superior holder to the management thereof.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

130. All surplus profits of the land so attached, beyond the cost of such attachment and management, including the payment of the current revenue and the cost of the introduction of a revenue-survey, if the same is introduced under the provisions of section 95, shall be applied in defraying the said arrear.

131. (1) The village or share of a village so attached shall be released from attachment and the management thereof shall be restored to the superior holder on the said superior holder's making an application to the Deputy Commissioner for such restoration at any time within twelve years from the 15th day of June next after the attachment,—

(a) if at the time that such application is made it appears that the arrear has been liquidated, or

(b) if the said superior holder is willing to pay the balance, if any, still due by him, and does so within such period as the Deputy Commissioner may prescribe in this behalf.

(2) The Deputy Commissioner shall make over to the superior holder the surplus receipts, if any, which have accrued in the year in which his application for restoration of the village or share of a village is made, after defraying arrears and costs; but such surplus receipts, if any, of previous years shall be at the disposal of the Government.

132. If no application is made for the restoration of a village or share of a village so attached within the said period of twelve years, or if, after such application has been made, the superior holder fails to pay the balance, if any, still due by him within the period prescribed by the Deputy Commissioner in this behalf, the said village or portion of a village shall thenceforward vest in Government free from all incumbrances created by the superior holder or any of the sharers or any of his or their predecessors in title, or in any wise subsisting as against such superior holder or any of the sharers, but without prejudice to the rights of the actual occupants of the soil.

Stay of Proceedings.

133. (1) Any defaulter detained in custody or imprisoned shall forthwith be set at liberty, and the execution of any process shall at any time be stayed, on the defaulter's giving, before the Deputy Commissioner or other person nominated by him in this behalf, or, if the defaulter is in jail, before the officer in charge of such jail, security in the form contained in the fourth schedule, satisfactory to the Deputy Commissioner or to such other person or officer.

(2) Any person against whom proceedings are taken under this chapter, may pay the amount claimed under protest to the officer taking such proceedings, and upon such payment the proceedings shall be stayed.

Procedure in respect of Sales.

134. (1) When any sale of either moveable or immoveable property is ordered under the provisions of this chapter or of section 56 or section 68, the Deputy Commissioner shall

Procedure in effecting sales.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

issue a proclamation, in the vernacular language of the district, of the intended sale, specifying the date, time and place of sale, the property to be sold, the amount for the recovery of which the sale is ordered, and, in the case of moveable property, whether the sale is subject to confirmation or not, and, when land paying revenue to the Government is to be sold, the revenue assessed upon it, together with any other particulars he may think necessary.

(2) When the property to be sold is immoveable property other than the land in respect of which the arrear is due, or when the property is sold under section 68, the proclamation shall state that the right, title and interest of the defaulter or person dying intestate and without known heirs is alone to be sold under the provisions of section 123 or section 68, as the case may be, and shall specify the rights of other persons in the property so far as those rights are known, and, when the property to be sold is an occupancy or alienated holding in respect of which the arrear is due, shall recite the fact that the occupancy or alienated holding has been forfeited under section 56, and that it is sold freed from all tenures, incumbrances and rights created by the occupant or holder as provided by that section.

(3) When the property to be sold is an interest in a survey-number, other than the survey-number in respect of which the arrear is due, the proclamation shall also state that any occupant intending to claim a right of pre-emption must, on pain of forfeiting such right, give notice of this intention to the Deputy Commissioner on an office day before that fixed for the sale.

135. The proclamation shall, if the sale is of immoveable property, be made by beat of drum at the head-quarters of the taluk and in the village in which the immoveable property is situated; and, if the sale is of moveable property, the proclamation shall be made in the village in which such property was seized, and in such other places as the Deputy Commissioner may direct.

136. (1) A copy of the proclamation of the intended sale of immoveable property and of the time and place thereof shall be affixed in each of the following places, namely, the office of the Deputy Commissioner, the office of the Tahsildar of the taluk in which the immoveable property is situated, the chauri or some other public place, if any, in the village in which it is situated, and the defaulter's dwelling place.

(2) In the case of moveable property, a copy of the proclamation shall be affixed in the Tahsildar's office and in the chauri or some other public place in the village in which such property was seized.

(3) The Deputy Commissioner may also cause notice of any sale, whether of moveable or immoveable property, to be published in any other manner that he may deem fit.

137. (1) Sales shall be made by auction by such persons as the Deputy Commissioner may appoint in this behalf.

Conduct of sales, time for the same and postponement thereof.

(2) No such sale shall take place on a Sunday or other general holiday nor until after the expiration of at least thirty days in the case of immoveable property, or seven days in the case of moveable property, from the latest date on which any of the said copies shall have been affixed as required by the last foregoing section.

(3) Any such sale may from time to time be postponed for any sufficient reason.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments -1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

138. Notwithstanding anything contained in the three last foregoing sections, perishable articles shall be sold by auction with the least possible delay, in accordance with such orders as may from time to time be made by the Deputy Commissioner, either generally or specially, in that behalf.

139. If at any time before the bidding at the auction is completed, the defaulter pays the arrear in respect of which the property has been proclaimed for sale, or proves to the satisfaction of the officer conducting the sale that he has already paid the same either to the person appointed under section 115 to receive payment of the land-revenue due or into the Government treasury, or furnishes security, under section 133, the sale shall be stayed.

140. (1) Sales of perishable articles shall be at once finally concluded by the officers conducting such sales.

Sale of moveable property when liable to confirmation.

(2) All other sales of moveable property shall be finally concluded by the officers conducting such sales, or shall be subject to confirmation by such other officer as may be appointed in this behalf by general or special order of the Deputy Commissioner.

141. When the sale of any moveable property is finally concluded by the officer conducting the same, the price of every lot shall be paid at the time of sale or as soon thereafter as the said officer shall direct, and in default of such payment the property shall forthwith be again put up and sold. On payment of the purchase-money, the officer conducting the sale shall grant a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

142. When the sale of any moveable property is subject to confirmation, the party declared to be the purchaser shall be required to deposit immediately twenty-five per centum of the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold. The full amount of purchase-money shall be paid by the purchaser before sunset of the first office day after that on which he is informed of the sale having been confirmed. On payment of such full amount of the purchase-money the purchaser shall be granted a receipt for the same, and the sale shall become absolute as against all persons whomsoever.

143. (1) In all cases of sale of immoveable property, the party declared to be the purchaser shall be required to deposit immediately twenty-five per centum of the amount of his bid, and in default of such deposit the property shall forthwith be again put up and sold.

Deposit by purchaser in case of sale of immoveable property.

(2) In the case of a survey-number or an interest in a survey-number, other than the survey-number in respect of which the arrear is due, the declaration shall be made subject to the provisions of section 214.

144. The full amount of purchase-money shall be paid by the purchaser before sunset of the fifteenth day from that on which the sale of the immoveable property took place, or if the said fifteenth day be a Sunday or other general holiday, then before sunset of the first office day after such fifteenth day.

Purchase-money when to be paid.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

145. In default of payment within the prescribed period of the full amount of purchase-money, whether of moveable or immoveable property, the deposit, after defraying there-out the expenses of the sale, shall be forfeited to the Government, and the property shall be re-sold, and the defaulting purchaser shall forfeit all claim to the property or to any part of the sum for which it may be subsequently sold.

146. (1) If the proceeds of the re-sale amount to less than the price bid by the defaulting purchaser, the difference shall be recoverable from him by the Deputy Commissioner as an arrear of land-revenue.

(2) In case the difference is not recovered, the loss may, if the Deputy Commissioner, with the previous sanction of the Commissioner, so directs, be made good to the owner of the property sold out of the deposit forfeited to the Government under the provisions of the last foregoing section.

147. Every re-sale of property in default of payment of the purchase-money or after postponement of the first sale shall, except when such re-sale takes place forthwith, be made after the issue of a fresh proclamation in the manner prescribed for original sales.

148. (1) At any time within thirty days from the date of the sale of immoveable property, application may be made to the Deputy Commissioner to set aside the sale on the ground of some material irregularity or mistake or fraud in publishing or conducting the same; but, except as is otherwise in the next following section provided, no sale shall be set aside on the ground of any such irregularity or mistake unless the applicant proves to the satisfaction of the Deputy Commissioner that he has sustained substantial injury by reason thereof.

(2) If the application is allowed, the Deputy Commissioner shall set aside the sale and direct a re-sale.

149. On the expiration of thirty days from the date of the sale, if no such application as is mentioned in the last foregoing section has been made or if such application has been made and rejected, the Deputy Commissioner shall make an order confirming the sale :

Provided that, if the Deputy Commissioner has reason to think that the sale ought to be set aside notwithstanding that no such application has been made or on grounds other than those alleged in any application which has been made and rejected, he may, after recording his reasons in writing, set aside the sale.

150. Whenever the sale of any property is not confirmed or is set aside, the purchaser shall be entitled to receive back his deposit or his purchase-money, as the case may be.

151. (1) After a sale of immoveable property has been confirmed in manner aforesaid, the Deputy Commissioner shall put the person declared to be the purchaser into possession and shall grant him a certificate to the effect that he has purchased the property to which the certificate refers.

(2) The certificate shall be deemed to be a valid transfer of property, but need not be registered as a conveyance.

CHAPTER III.—BERAR - *contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws- *contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896 - *contd.***

152. The certificate shall state the name of the person declared at the time of sale to be the actual purchaser; and no suit shall be brought in a Civil Court against the certified purchaser on the ground that the purchase was made on behalf of a person other than the certified purchaser, though by agreement the name of the certified purchaser was used.

153. The certificate shall state whether the property was forfeited under section 56 and sold for the recovery of an arrear due in respect thereof and freed of tenures, incumbrances and rights, or whether the right, title and interest of the defaulter or person dying intestate and without known heirs was alone sold under the provisions of section 68 or section 123, as the case may be.

154. (1) When any sale of moveable property under this chapter has become absolute, and when any sale of immoveable property has been confirmed, the proceeds of the sale, including any sums realized under section 146, shall be applied to defraying the expenses of the sale, and to the payment of any arrears due to the Government by the defaulter on the date on which the sale became absolute or was confirmed, as the case may be, and recoverable under the provisions of this Chapter, whether the arrears are arrears of land revenue or of sums recoverable as arrears of land-revenue, and the surplus, if any, shall be paid to the person whose property has been sold.

(2) The expenses of the sale shall be estimated at such rates and according to such rules as may from time to time be sanctioned by the Commissioner under the orders of the Resident.

155. The said surplus shall not, except under an order of a Civil Court, be payable to any creditor of the person whose property has been sold.

156. The certified purchaser of any immoveable property shall be entitled to all rents and profits falling due in respect of the property after the date of the confirmation of the sale, and be liable for all instalments of land-revenue falling due in respect thereof after that date.

157. If any claim is set up by a third person to moveable property attached under the provisions of this Chapter, the Deputy Commissioner shall admit or reject the claim on an inquiry held after reasonable notice. If the claim be admitted, wholly or partially, the property shall be dealt with accordingly. Except in so far as the claim is admitted, the property shall be sold and the title of the purchaser shall be good for all purposes, and the proceeds shall be disposed of as hereinbefore provided.

Application of the Provisions of this Chapter.

158. (1) All sums due on account of land revenue, all quit rents, nazaranas, succession duties, transfer duties and forfeitures, and all cesses, profits from land, emoluments, fees, charges, premia, penalties, fines and costs payable or leviable under this law or under any law, rule or order for the time being in force relating to land-revenue;

CHAPTER III. — BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

and all moneys due by any contractor for the farm of abkari duties, or of any other duty or tax, or of any other item of revenue whatsoever, and all specific pecuniary penalties to which any such contractor renders himself liable under the terms of his agreement ;

and also all sums declared by this law or by any law, rule or order for the time being in force to be leviable as an assessment, or as a revenue demand, or as an arrear of land revenue ;

shall be recovered under the foregoing provisions of this Chapter.

(2) Every person who may have become a surety under any of the provisions of this Law, or for any such contractor as aforesaid, for any sum of money, shall, on failure to pay the amount, or any portion thereof for which he may have become liable under the terms of his security bond, be liable to be proceeded against under the provisions of this Chapter as if he were a defaulter in respect of an arrear of land revenue.

(3) In the event of the resumption of any such farm as aforesaid, no person shall be entitled to credit for any payment which he may have advanced to the contractor.

CHAPTER XII.

CESSES.

159. (1) The cesses referred to in clauses (a), (c) and (d) of the preamble to the Berar Rural Boards Law, 1885,¹ shall, unless and until the Governor General in Council shall otherwise direct, continue to be levied at the rates at which they are at present levied, namely :

Unalienated villages—

- (i) in an unalienated village, at the rate of fifteen pies in the rupee on the assessment of each survey number ;

Alienated villages—

- (ii) in a village leased under any of the Waste Land Rules of 1865, 1876, 1879 or 1880, at the rate of two per cent. on the amount payable by the lessee as land revenue under the terms of his lease ;
- (iii) in any other alienated village at the rate of two per cent. on the total of the assessments of all the survey numbers in the village :

Provided that, with respect to any village referred to in clause (ii) or clause (iii), the Deputy Commissioner may levy an additional cess at the rate of one anna in the rupee on the total of the assessments of all the survey numbers in the village in the event of the lessee or superior holder not making adequate arrangements for the maintenance of such jaglias as may in his opinion be necessary for the village.

(2) Assessment in this section includes the amount determined and registered as well as the amount fixed under section 88.

¹ Printed *supra*, p. 156.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

By whom cesses are to be paid. 160. The cesses referred to in the last foregoing section shall be recovered—

- (i) in an unalienated village, from the registered occupants and holders of the survey numbers ;
- (ii) in a leased village, from the lessee ;
- (iii) in any other alienated village, from the superior holder :

Provided that, in the case of an alienated village where an inferior holder or tenant has a higher right in any particular survey number than the superior holder, or is entitled, under the provisions of this law or any law, rule or order for the time being in force, or by custom, to hold conditionally on the payment of the assessment alone, or is wholly or partially exempt from the payment of the revenue or rent, the lessee or superior holder shall be entitled to recover from the inferior holder or tenant such amount as the said inferior holder or tenant would have had to pay had he been the occupant or holder of similar land in an unalienated village.

CHAPTER XIII.

REGISTRATION AND RECORD.

161. The officer in charge of a survey shall, on the occasion of making or revising Preparation of statistical and fiscal a settlement of land revenue, prepare a register, to records. be called " the Settlement Register," showing the area and assessment of each survey number, together with the name of the registered occupant of such survey number, and such other records containing such other information as may from time to time be prescribed in this behalf by the Resident. He shall also record similar particulars in regard to recognized divisions of survey numbers.

162. The Deputy Commissioner shall keep the Settlement Register and the other records (if any) as aforesaid, which register Deputy Commissioner to keep the and other records (if any) shall, where the officer survey records. in charge of the survey is not the Deputy Commissioner, be transferred by such officer to the Deputy Commissioner on the completion of the settlement of the district, or at such other time as the Resident may direct. The Deputy Commissioner shall cause the village records and accounts to be prepared in accordance with the Settlement Register and the other records (if any) as aforesaid. He shall not make in the Settlement Register or in the other records (if any) as aforesaid any alterations or corrections other than those provided for by the next following section, but shall cause all changes that may take place in respect of the entries and anything that may affect the rights or interests (if any) therein recorded, together with such other information as may from time to time be prescribed by the Resident, to be registered in the village records and accounts.

163. (1) The officer in charge of a survey or, if the records have been transferred to the Deputy Commissioner, the Deputy Commissioner, shall at any time correct, or cause to be corrected, any clerical errors and any errors which the parties interested admit to have been made in the settlement or other records so prepared.

Survey officer or Deputy Commissioner to correct clerical and admitted errors in the Settlement Register, and inquire into, and pass orders on, certain applications for mutation of names.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

(2) He shall also receive and inquire into all applications made to him at any time within two years after the introduction of the survey-settlement, for the correction of any wrong entry of the name of the registered occupant of any portion of land in the said register, and, if satisfied that an error has been made, whether through fraud, collusion, oversight or otherwise, shall correct, or cause the same to be corrected, notwithstanding that all the parties interested do not admit the error; but he shall not receive any such application at any time after two years from the date of the introduction of the survey-settlement, unless good cause be shown to his satisfaction for the delay in making such application, and no such correction of the said register shall be made in consequence of any application made after the said period of two years, except with the previous sanction of the Resident.

164. A register shall also be kept by the Deputy Commissioner, in such form as may from time to time be prescribed by the Resident, of all lands the alienation of which has been established, or recognized, under the provisions of any law for the time being in force; and, when it is shown to the satisfaction of the Deputy Commissioner that any sanad relating to such alienated lands has been permanently lost or destroyed, he may, subject to any rules and the payment of any fees prescribed by the Resident under section 215, grant to any person whom he may deem entitled to the same, a certified extract from the said register, which shall be endorsed by the Deputy Commissioner to the effect that it has been issued in lieu of the sanad said to have been lost or destroyed, and shall be deemed to be as valid proof of title as the said sanad.

165. Superior holders of alienated villages which have been surveyed shall be bound to keep village records and accounts in such form as may be from time to time prescribed by instructions given under section 216, and to furnish correct copies thereof to the Deputy Commissioner periodically on such dates as may be fixed in this behalf.

CHAPTER XIV.

VILLAGE CESSES.

166. No village-cess shall be collected without the express permission of the Resident.

Unauthorized cesses not to be levied.

167. The Resident, in granting permission for the collection of any village cess, may impose on the collection such conditions as to police and other establishments connected with the village market or fair in, or on account of, which the cess is levied, as he thinks fit.

Resident may impose conditions on the levy.

168. In the case of a question arising as to whether any cess, contribution or due levied in a village is or is not a village cess, the Resident may decide the question, and his decision shall be conclusive.

The Resident's decision to be conclusive in certain cases.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1898—*contd.***

CHAPTER XV.

JURISDICTION OF CIVIL COURTS IN MATTERS CONNECTED WITH
THE LAND-REVENUE.

169. Nothing in this Chapter shall affect any of the provisions of the Pensions Act, 1871,¹ or any suit instituted before the commencement of this law.

XIII of
1871.

170. All suits in regard to tenures and the nature and extent of the interest and advantage which in virtue thereof should be enjoyed by the parties concerned, and all suits in which the right to possession of land is claimed, shall be brought in the Civil Courts.

171. Subject to the exceptions hereinafter appearing, no suit shall be brought in any Civil Court in respect of any of the following matters, namely :—

- (a) claims against the Government relating to any property appertaining to the office of any hereditary officer or servant ;
- (b) claims against the Government to perform the duties of any such officer or servant, or in respect of any injury caused by exclusion from such office or service ;
- (c) objections to any order passed under rules made under section 217 ;
- (d) claims against the Government relating to lands held under treaty, or to lands granted or held on political tenure, or to lands declared by the Government, or by any officer duly authorized in that behalf, to be held for service ;
- (e) objections—
 - (1) to the amount or incidence of any assessment of land revenue authorized by the Government, or
 - (2) to the mode of assessment or the principle on which such assessment is fixed, or
 - (3) to the validity or effect of the Notification of survey or settlement, or of any Notification determining the period of settlement ;
- (f) claims connected with, or arising out of, any proceedings for the realization of land revenue, or to set aside, on account of irregularity or mistake, or on any other ground except fraud, sales for arrears of land revenue ;
- (g) claims against the Government—
 - (1) to be entered in the survey, settlement or revenue records or village-papers as liable for land revenue, or as superior holder, inferior holder, occupant or tenant, or
 - (2) to have any entry made in any survey, settlement or revenue record, or
 - (3) to have any such entry omitted or amended ;

¹ Applied to Berar by Notification No. 212-J., dated the 24th October, 1873, printed *supra*, p. 95.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

- (k) the distribution of land or the allotment of land revenue on the partition of any land under the provisions of this law or of any law, rule or order for the time being in force;
- (l) claims against the Government—
 - (1) to hold land wholly or partially free from payment of land revenue, or
 - (2) to receive payments charged on or payable out of the land revenue, or
 - (3) to set aside any cess or rate authorized by the Government under the provisions of this law or of any law, rule or order for the time being in force, or
 - (4) respecting the occupation of waste or vacant land belonging to the Government;
- (m) claims regarding boundaries fixed under the provisions of this law or of any law, rule or order for the time being in force, or to set aside any order passed by a competent officer under any such law with regard to boundary marks:

Provided that, if any person claims to hold land wholly or in part exempt from payment of land revenue under—

- (1) any law, rule or order for the time being in force expressly creating an exemption in favour of an individual or of any class of persons, or expressly confirming such an exemption on the ground of its being shown in a public record, or of its having existed for a specified term of years, or
- (2) any written grant by the British Government expressly creating or confirming such exemption, or
- (3) a judgment of a Court of law, or an adjudication duly passed by a competent officer under the Inam Rules, 1879,¹ declaring the particular property in dispute to be exempt,

a suit in respect of such claim may be brought in any Civil Court of competent jurisdiction.

Illustrations to Clause (1) of Proviso.

(1) It is enacted that in the event of the proprietary right in lands, the property of the Government, being transferred to individuals, they shall be permitted to hold the lands for ever at the assessment at which they are transferred. The proprietary right in certain lands is transferred to A at an assessment of one hundred rupees. An exemption from higher assessment not before existing is expressly created in favour of A by enactment, and he may seek relief in the Civil Court against over-assessment.

(2) It is enacted that, when a specific limit to assessment has been established and preserved, the assessment shall not exceed such specific limit. A is the owner of land worth one hundred rupees for assessment. He claims to be assessed at fifty rupees only on the strength of a course of dealing with him and his predecessor under which his land has not been more highly assessed. There is no exemption not before existing created by enactment, and A cannot bring a suit to enforce his claim in a Civil Court.

(3) It is enacted that land revenue shall not be leviable from any land held and entered in the land registers as exempt. A claims to hold certain land as exempt on the ground that it has been so held by him, and is so entered in the land register. This is an exemption expressly confirmed by

¹ Printed *supra*, p. 129.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b) Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

enactment on the ground of its being shown in a public record, and A may bring a suit to enforce his claim in a Civil Court.

(4) It is enacted that the Deputy Commissioner shall confirm existing exemptions of all lands shown in certain maps to be exempt. A claims exemption, alleging that his land is shown in the maps to be exempt. A may bring a suit to enforce his claim in a Civil Court.

(5) It is enacted that assessment shall be fixed with reference to certain considerations, and not with reference to other. This is not an enactment creating an exemption in favour of any individual or class, and no suits in respect of any objection to an assessment under such an enactment may be brought in a Civil Court.

172. Nothing in the last foregoing section shall be held to prevent the following suits from being brought in the Civil Courts, Saving of certain suits. namely:—

(a) suits against the Government to contest the amount claimed, or paid under protest or recovered as land revenue, on the ground that such amount is in excess of the amount authorized in that behalf by the Government, or that such amount had, previous to such claim, payment or recovery, been satisfied in whole or in part, or that the plaintiff or the person whom he represents is not the person liable for such amount;

(b) suits between private parties for the purpose of establishing any private right, although it may be affected by any entry in any survey, settlement or revenue record, or in any village papers;

(c) suits between superior holders or occupants and inferior holders or tenants, regarding the dues claimed or recovered from the latter;

and nothing in clause (j) of the said section shall be held to prevent suits, other than suits against the Government, for possession of land from being brought in the Civil Courts.

173. No Revenue officer shall be liable to be sued in any Civil Court for any act done, or ordered to be done, by him as such in pursuance, or execution, or intended execution, of the provisions of this law, or of any law, rule or order for the time being in force.

174. Nothing in this law or in any law, rule or order for the time being in force which authorizes the punishment departmentally of any Revenue officer for any offence or breach of duty, or which sanctions his prosecution criminally for such offence or breach, shall be held to bar any remedy which may be had in the Civil Courts against such officer.

175. No suit shall be brought in any Civil Court against the Government on account of any act or omission of any Revenue officer unless the plaintiff first proves that, previously to bringing his suit, he has presented all such appeals allowed by the law for the time being in force as, within the period of limitation allowed for bringing such suit, it was possible to present.

176. No suit shall be brought in any Civil Court regarding a matter in respect of which the decision of the Deputy Commissioner or Resident is declared to be conclusive under any of the provisions of this law.

Meaning to be assigned to the word "conclusive".

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

177. If in any suit instituted, or in any appeal presented, in a Civil Court the Judge doubts whether he is precluded by this law from taking cognizance of the suit or appeal, he may refer the matter to the Judicial Commissioner.

Power of Civil Judge to refer questions of jurisdiction to the Judicial Commissioner.

(2) The Judicial Commissioner may order the Judge making the reference to proceed with the suit or appeal, or may make such other order as may appear proper in the circumstances.

CHAPTER XVI.

PROCEDURE OF REVENUE OFFICERS.

178. (1) The Resident may from time to time make, and from time to time vary or rescind, rules, consistent with this law, for regulating the procedure of Revenue officers under this law in cases in which a procedure is not prescribed by this law, and for otherwise carrying into effect the objects of this law.

Power to make rules as to procedure.

(2) In particular the rules may provide, among other matters, for—

- (a) the mode of enforcing orders for the delivery of possession of immoveable property, and the eviction of persons wrongfully in possession of land ;
- (b) the rates at which diet-money should be paid in cases in which the attendance of witnesses is desired by a party ;
- (c) the payment of diet-money on behalf of the Government in cases in which such payment may appear advisable ;
- (d) the classes of cases in which costs may be given and apportioned, and the scale on which they may be allowed ;
- (e) the levy of process-fees in cases in which the attendance of witnesses is desired by a party, the rates at which such fees are to be levied, and the service of processes ;
- (f) the inspection of cases decided by and pending before Revenue officers, and the grant of copies in such cases, and the fees to be levied for inspections, searches and copies ;
- (g) the seals to be used by Revenue officers ;
- (h) the mode, form and manner in which appeals shall be drawn up and presented ; and
- (i) the licensing of petition-writers and the regulation of their conduct.

(3) Rules made under clause (a) of sub-section (2) may confer on Revenue officers all or any of the powers in regard to contempts, resistance and the like, which a Civil Court may exercise in the execution of a decree whereby it has adjudged delivery of possession of immoveable property.

179. Subject to the rules under section 178, a Revenue officer may refer any case which he is empowered to dispose of under this law, to another Revenue officer, for investigation and report, and may decide the case upon the report of such other Revenue officer.

Reference for report.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

180. Subject to any rules made under section 178, a Revenue officer may give and apportion the costs of any proceeding in any manner he may think fit; but if he orders that the costs of any proceeding shall not follow the event, he shall record his reasons for such order.

181. Subject to any rules made under section 178, appearances before a Revenue officer and applications to, and acts to be done before, him under this law may be made or done—
Persons by whom appearances and applications may be made before and to Revenue officers.

- (a) by the parties themselves, or
- (b) by their recognized agents, or,
- (c) with the permission of such officer, by any legal practitioner :

Provided that the employment of a recognized agent or legal practitioner shall not excuse the personal attendance of a party to any proceeding in any case in which personal attendance is specially required by an order of such officer.

182. For the purposes of the last foregoing section, recognized agents shall be such persons as the Resident may, by Notification, declare in this behalf.

183. Subject to any rules made under section 178, the fees of a legal practitioner shall not be allowed as costs in any proceeding before a Revenue officer under this law, unless that officer considers, for reasons to be recorded by him in writing, that such fees should be allowed.

184. In all official acts and proceedings a Revenue officer shall, in the absence of any express provision of law to the contrary, be subject, as to the place, time and manner of performing his duties, to the direction and control of the officer to whom he is subordinate.

185. (1) The Commissioner, with the approval of the Resident, shall publish in the Hyderabad Residency Orders, before the commencement of each calendar year, a list of days to be observed as holidays by all or any Revenue officers.

(2) A proceeding had before a Revenue officer on a day specified in a list published under sub-section (1) as a day to be observed by him as a holiday shall not be invalid by reason only of its having been had on that day.

186. (1) Subject to any rules made under section 178, every Revenue officer, not being lower in rank than a Tahsildar's chief subordinate, shall have power to summon any person whose attendance he considers necessary, either to be examined as a party, or to give evidence as a witness, or to produce documents for the purposes of any inquiry which such officer is legally empowered to make.

(2) For the purpose of enforcing the attendance of persons summoned, or of compelling the production of the documents ordered to be produced, every such officer shall have the same powers as are conferred upon a Civil Court by the Code of Civil Procedure.¹

¹ The Code is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra* p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments 1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(3) A summons to produce documents may be for the production of certain specified documents or for the production of all documents of a certain description in the possession of the person summoned.

(4) Every person summoned under sub-section (1) shall be bound to attend either in person or by an authorized agent, as the officer summoning him may direct.

XIV of 1882. Provided that the exemptions provided for by sections 640 and 641 of the Code of Civil Procedure¹ shall be applicable to requisitions for attendance under this section.

(5) Every person summoned under sub-section (1) shall be bound to state the truth upon any subject respecting which he is examined and to make statements and produce such documents and other things as may be required. *

187. (1) Subject to any rules made under section 178, every summons shall be in writing, in duplicate, and shall state the purpose for which it is issued, and shall be signed by the officer issuing it, and, if he has a seal, shall also bear his seal.

(2) Every such summons shall be served by tendering or delivering a copy of it to the person summoned, or, if he cannot be found, by affixing a copy of it to some conspicuous part of his usual residence.

(3) If the usual residence of a person so summoned is in another district, the summons may be sent by post to the Deputy Commissioner of that district, who shall cause it to be served in accordance with sub-section (2).

188. (1) Subject to any rules made under section 178, every notice under this law, unless it is otherwise expressly provided, shall be served either by tendering or delivering a copy thereof to the person on whom it is to be served, or to his agent, if any, or by affixing a copy thereof to some conspicuous place on the land, if any, to which such notice refers.

(2) No such notice shall be deemed void on account of any error in the name or designation of any person referred to therein, unless such error has produced substantial injustice.

XIV of 1882. Procedure for procuring attendance of witnesses. 189. If any party desires the attendance of a witness, he shall follow the procedure prescribed by section 160 of the Code of Civil Procedure.¹

190. Every inquiry which this law requires to be made, or which any Revenue officer may on any occasion deem it necessary to make in the execution of his lawful duties, shall be conducted according to such rules applicable thereto, whether general or special, as may have been prescribed by the Resident or an authority superior to the officer conducting such inquiry, and, except in so far as controlled by such rules, according to the discretion of the officer in such way as may seem to him best calculated for the ascertainment of all essential facts and the furtherance of the public good.

191. Subject to any rules made under section 178, authenticated copies and translations of decisions, orders, and the reasons therefor, and of exhibits, shall in all cases be furnished to the parties, and original documents used

¹ The Code is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III —BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws - *contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

as evidence shall, unless impounded under the provisions of any law, rule or order for the time being in force, or detained for reasons to be recorded in writing, be restored to the persons who produced them, or to persons claiming under them, on due application being made for the same, subject to the payment of Court-fees (if any) leviable, and of such charges for paper, copying and examination as may, from time to time, be authorized by the Resident.

192. Whenever it is provided by this law that a defaulter or any other person may be arrested, such arrest shall be made upon a warrant issued by an officer competent to direct the arrest.

193. Subject to any rules made under section 178, any Revenue officer may at any time, and from time to time, when necessary, for the purposes of measurement, the fixing or inspecting of boundaries, the classification of land or its assessment, or for any other purpose connected with the lawful exercise of his office under the provisions of this law or of any other law, rule or order for the time being in force relating to land revenue, enter lands or premises whether belonging to the Government or to private individuals and whether fully assessed to the land revenue or wholly or partially exempt from the same :

Power of Revenue officer to enter upon any lands or premises for purposes of measurement, etc.

Provided that no building used as a human dwelling and no private enclosure appertaining thereto shall be entered, unless with the consent of the occupier thereof, without a notice having been served at the said building not less than twenty-four hours before such entry ; and

Provided, also, that, in the case of buildings of all descriptions, due regard shall be paid to the social and religious prejudices of the occupiers.

CHAPTER XVII.

APPEALS AND REVISION.

194. In the absence of any express provision of this law or of any other law for the time being in force to the contrary, an appeal shall lie from every decision or order passed by a Revenue officer under this law or under [any]¹ other law for the time being in force, to that officer's immediate superior, whether such decision or order has itself been passed on appeal from a subordinate officer's decision or order or not.

195. An appeal shall lie to the Resident from every decision or order passed by the Commissioner, other than a decision or order passed by the Commissioner on appeal from an appellate decision or order.

196. (1) No appeal shall be brought after the expiration of forty-five days after the date of the decision or order complained of, if such decision or order has been passed by an officer inferior in rank to a Deputy Commissioner, or after the expiration of ninety days in any other case.

¹ The word "any" was inserted by Notification No. 2881-I., dated the 27th July, 1897, *see Gazette of India, 1897, Pt. I, p. 681.*

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

(2) In computing the above periods the time required to obtain a copy of the decision or order appealed against shall be excluded.

197. (1) Any appeal under this Chapter may be admitted after the period of limitation prescribed therefor, if the appellant satisfies the officer, or the Resident, to whom he appeals, that he had sufficient cause for not presenting the appeal within such period.

(2) No appeal shall lie against an order passed under this section admitting an appeal.

198. Whenever the last day of any period provided in this Chapter for the presentation of an appeal falls on a Sunday or other holiday, the day next following such holiday shall be deemed to be such last day.

199. Every petition of appeal shall be accompanied by the decision or order appealed against, or by an authenticated copy of the same.

200. The appellate authority may reverse, modify or confirm the decision or order appealed against, or may direct the officer who gave the decision or passed the order, to make such further investigation, or to take such additional evidence, as such authority may think necessary, or may itself take such additional evidence.

201. In any case in which an appeal from a decision or order lies, the appellate authority may, pending the disposal of the appeal (if any) preferred, direct the execution of the decision or order to be suspended.

202. (1) The Resident and every Revenue officer not inferior in rank to the Deputy Commissioner, may call for and examine the record of any case pending before or disposed of by any Revenue officer subordinate to him, for the purpose of satisfying himself as to the legality or propriety of any decision or order passed, and as to the regularity of the proceedings of such officer.

(2) If in any case it appears to the Resident, or to such officer aforesaid, that the proceeding taken, decision passed or order made should be modified or reversed, he may pass such order thereon as he deems fit :

Provided that no order shall be passed under this section modifying or reversing any proceeding, decision or order of a Revenue officer affecting any question of right between private persons without an opportunity of being heard being given to those persons.

203. Whenever in this law it is declared that a decision or order shall be final,

such expression shall be deemed to mean that no appeal shall lie from such decision or order.

CHAPTER XVIII.

OF PRE-EMPTION.

Application of Chapter.

204. Nothing in this Chapter shall apply to land appropriated for building-sites.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896 *contd.***

205. When the interest, or any part of the interest, of a co-occupant in any survey number is transferred by sale, foreclosure of mortgage or relinquishment in favour of a specified person for valuable consideration, every other co-occupant in the same survey number shall have a right of pre-emption.

206. (1) Whenever a co-occupant in any survey number proposes to sell or to relinquish in favour of a specified person for valuable consideration, the whole or any portion of his interest in the survey number, or when a mortgagee forecloses a mortgage upon the whole or any portion of the interest of a co-occupant in any survey number, the co-occupant or mortgagee, as the case may be, shall give notice to all other co-occupants of the survey number of the price at which he is willing to sell, or the amount due, as the case may be.

(2) Such notice shall be given through the Tahsildar, and shall be deemed to have been sufficiently served if it be posted at the chauri or some other public place, and proclaimed by beat of drum in the village in which the survey number is situated.

207. Every co-occupant having a right of pre-emption in respect of any interest in a survey-number to be sold or to be relinquished in favour of a specified person for valuable consideration, shall lose such right unless within two months from the date of the service of the notice he or his agent deposits the price aforesaid with the Tahsildar for payment to the person so proposing to sell or relinquish.

208. (1) When the right of pre-emption arises in respect of the foreclosure of a mortgage, any co-occupant entitled to such right may, at any time within two months after the service of the notice required by section 206, deposit with the Tahsildar the amount specified in such notice for payment to the mortgagee or his successor in title, and shall thereupon acquire a right to purchase the property.

(2) On completion of the purchase, the person exercising the right of pre-emption shall be bound to pay to the mortgagee or his successor in title the amount specified in such notice, together with interest on the principal sum secured by the mortgage, at the rate specified by the instrument of mortgage, for any time which has elapsed since the date of the notice, and any additional costs which may have been properly incurred by the mortgagee or his successor in title.

209. (1) When the right of pre-emption is claimed by more than one co-occupant, the prior right to purchase, redeem or obtain by relinquishment belongs,—

(a) if the interest sold, mortgaged or relinquished is a portion of a recognized division of a survey number, to the co-occupant in the recognized division who is most nearly related to the vendor, mortgagor or transferor, or, if no co-occupant is related to him, to the co-occupant who has the largest interest in the recognized division ;

(b) if the interest sold, mortgaged or relinquished is not a portion of a recognized division of a survey number, to the co-occupant in the

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

survey number who is most nearly related to the vendor, mortgagor or transferor, or, if no co-occupant is related to him, to the co-occupant who has the largest interest in the survey number.

(2) If two or more co-occupants are equally entitled to the right, the person to exercise it shall be determined by lot.

210. Nothing contained in section 205 shall be held to give a right of pre-emption to other co-occupants when a co-occupant sells, transfers or mortgages his interest or any portion of his interest in the occupancy to any person who is already a co-occupant in the survey number.

211. (1) Every co-occupant having a right of pre-emption may bring a suit in the Civil Court to enforce such right on any of the following grounds, namely:—

- (a) that no due notice was given as required by section 206 ;
- (b) that deposit has been made in the manner required by section 207 or section 208, as the case may be ;
- (c) in the case of a sale or relinquishment for valuable consideration, that the price stated in the notice was not fixed in good faith ;
- (d) in the case of a mortgage, that the amount claimed by the mortgagee was not really due on the footing of the mortgage and was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged.

(2) If, in the case of a sale or relinquishment for valuable consideration, the Court finds that the price was not fixed in good faith, the Court shall fix such price as appears to it to be the fair market-value of the interest sold or relinquished.

(3) If, in the case of a mortgage, the Court finds that the amount claimed by the mortgagee was not really due on the footing of the mortgage, that it was not claimed in good faith, and that it exceeds the fair market-value of the property mortgaged, the amount to be paid to the mortgagee shall not exceed what the Court finds to be such market-value.

212. When a recognized division of a survey number is absolutely relinquished under the provisions of section [69],¹ the Tahsildar shall offer the occupancy so relinquished to the other occupants of the survey number, and for this purpose shall issue a notice to such co-occupants. Such notice shall be deemed to be sufficiently served if it be posted at the chauri or some other public place in the village in which the survey number is situated. In the case of competition among such co-occupants, the Tahsildar shall sell the right of occupation to the highest bidder amongst them.

213. Every co-occupant having a right of pre-emption in respect of any interest in a survey number which it is proposed to sell for the realization of arrears of revenue, or under the provisions of section 68, shall forfeit such right

¹ The figure "69" was substituted for the figure "58" by Notification No. 2831-I., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

unless he gives notice to the Deputy Commissioner of his intention to exercise the right on an office day before that fixed for the sale.

214. (1) At any time before the close of the day on which the sale of the interest in respect of which the notice required by the last foregoing section has been given, takes place, the co-occupant who has given the notice may, on payment to the officer conducting the sale of a deposit of twenty-five per centum on the highest bid made at the sale, claim to take the property at that bid.

(2) If notice has been given, and deposit and claim are made by more than one co-occupant, their priority shall be decided in the manner prescribed by section 209.

(3) If the right is not disputed and there is one claimant, that claimant shall be declared purchaser.

(4) If the right is disputed or if there is more than one claimant, the Deputy Commissioner shall inquire into and decide the dispute and declare the purchaser, and his decision and declaration shall be final.

CHAPTER XIX.

MISCELLANEOUS.

215. Subject to such rules and the payment of such fees as the Resident may from time to time prescribe in this behalf, all registers, maps, land-registers and village maps, survey records, village records and village accounts open to inspection. accounts which have been prepared or are required to be prepared or kept by this law or any rule thereunder, or by any law, rule or order for the time being in force, shall be open to the inspection of the public at reasonable hours, and certified extracts from such registers, maps, records and accounts, or certified copies thereof, shall be given to all persons applying for the same.

216. (1) Subject to any express provision in this law, the Resident may give instructions, which shall be either general or applicable to any particular case—
Matters to be dealt with by executive instructions of Resident.

- (a) determining the qualifications to be required of all members of establishments appointed under section 20 ;
- (b) regulating the power of fining, reducing, suspending and dismissing Revenue officers, under section 32 ;
- (c) prescribing the purposes to which land liable to the payment of land-revenue may be appropriated under section 52 ;
- (d) for the disposal of forfeited occupancies or alienated holdings, under section 56 ;
- (e) regulating the system and manner of occupying unalienated land, under Chapter VI :
- (f) fixing the maximum amount of penalty leviable under section 59 when land which has been unauthorizedly occupied is appropriated to any non-

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

agricultural purpose, and regulating the levy of premia under section 63 and the levy of penalties under section 64 ;

- (g) regulating the preparation of revenue, survey and settlement records, and the form of the settlement registers and other records prescribed in section 161 ;
- (h) regulating the forms and preparation of village records and accounts, and the registration therein of such changes as are referred to in section 162 ;
- (i) permitting and regulating the partition of interest in land, carrying out such partition and giving any directions consequent thereon ;
- (j) regulating the appointment, dismissal, pay and employment of jaghias and village mahars ; and
- (k) generally for the guidance and control of Revenue officers and for the guidance of all persons in matters connected with the enforcement of this law, or in cases not expressly provided for therein.

(2) Instructions under clause (k) of sub-section (1) may provide among other matters for—

- (i) the information to be furnished and the assistance to be rendered in order to facilitate the collection of information for the preparation of village records and accounts by persons acquiring rights in land, by superior holders of alienated villages and by the public generally ;
- (ii) the penalties for neglect to furnish and render such information and assistance ;
- (iii) the fees to be charged on entries in such records and the persons by whom they are to be paid ; and
- (iv) the recovery of the penalties and fees last aforesaid.

217. (1) The Resident may from time to time make, and from time to time vary or rescind, rules for the settlement of disputes between village mahars and the cultivators by whom they are maintained.

Power to make rules for settlement of disputes regarding mahars' dues.

(2) Such rules may provide, among other matters, for the realization of such sums as may be found due.

(3) Until such rules are made the rules contained in the Code of Non-judicial Circulars, Volume III, Chapter III, C. B. Circular No. 8, shall be considered to be rules under this section and to have the force of law.

218. All rules made under section 178 or section 217 shall be published in the Hyderabad Residency Orders, and when so published shall, until cancelled or amended, have the force of law.

Publication of certain rules.

219. The Resident shall, in all matters connected with land revenue, be subject to the control of the Governor General in Council, and shall be bound to obey the instructions and orders of the Governor General in Council in all cases whatsoever.

Control by the Governor General in Council.

CHAPTER III.—BERAR—*contd.*B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

220. (1) Save as is otherwise provided in section 95 and hereinafter in this section, the provisions of Chapters VIII to X shall not be applied to any alienated village, except for the purpose of fixing the boundaries of any such village, of deciding any disputes relating thereto and of determining and registering the proper full assessment on all lands included therein, as provided in section 88, sub-section (3).

(2) But the provisions of the said Chapters shall be applicable to —

(a) all unalienated lands situated within the limits of an alienated village ;

(b) villages of which a definite share is alienated, but of which the remaining share is unalienated ;

(c) alienated villages in which the holders are entitled to a certain amount of the revenue and the Government to the rest.

(3) And the Resident may, on an application in writing being made by the holder of any alienated village to that effect, authorize the extension of all or any of the provisions of the said Chapters to such village.

221. When a survey-settlement has been introduced, under the provisions of the last foregoing section, or of any law, rule or order for the time being in force, into an alienated village, the holders of all lands to which such settlement extends, shall have the same rights and be affected by the same responsibilities in respect of the lands in their occupation as occupants in unalienated villages have, or are affected by, under the provisions of this law, and all the provisions of this law relating to occupants and registered occupants shall be applicable, so far as may be, to them.

222. Nothing in this law which applies in terms to unalienated land or to the holders of unalienated land only, shall be deemed, save in so far as may be expressly provided to the contrary, to affect alienated land or the rights of holders of alienated land or of the Government in respect of any such land, and no presumption shall be deemed to rise either in favour, or to the prejudice, of any holder of alienated land from any provision of this law in terms relating to unalienated land only.

223. An inferior holder or tenant who has personally or through his predecessors in title held land in an alienated village or holding from a period anterior to the alienation, shall be entitled to hold that land subject to the payment of the assessment on the land determined and registered under section 88, sub-section (3), and free of any other charge on account of rent.

Sections 69 and 71 to 75 to apply to holders of alienated lands.

224. The provisions of sections 69, 71, 72, 73 74 and 75 shall apply, as far as may be, to holders of alienated lands.

¹[Villages leased] under Waste Land Rules not partible during currency of lease.

225. ¹[Villages leased] under the Waste Land Rules of 1856, 1876, 1879 or 1880 shall not be partible during the currency of the lease.

¹ The words "villages leased" were substituted for the words "village land held" both in the section and marginal note by Notification No. 2831-L., dated 27th July 1897, *see Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(See section 2.)

Number and year.	Subject.	Extent of repeal.
PART I.		
<i>Acts of the Governor General in Council</i>		
X of 1859, sections 32 to 36 (both inclusive), 38 to 75 (both inclusive), 78, 82 to 104 (both inclusive), 112 to 152 (both inclusive), 155 to 162 (both inclusive), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 212, dated the 24th October, 1873.	Rent	The whole.
VII of 1870, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 212, dated the 24th October, 1873.	Court-fees . . .	Section 20 so far as it relates to Revenue Courts, and the whole of section 23.
III of 1846, sections 1, 5 and 6, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 212, dated the 24th October, 1873.	Boundary-marks .	The whole.
XII of 1850, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 212, dated the 24th October, 1873.	Public Accountants .	The whole so far as it relates to Revenue officers.
PART II.		
<i>Acts of the Governor of Bombay in Council.</i>		
I of 1865, sections 2, 10 to 14 (both inclusive), 16 to 24 (both inclusive), 46 and 47, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 212, dated the 24th October, 1873.	Survey and Demarcation.	The whole.
I of 1865, section 35, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 49-J., dated the 7th March, 1879.	Survey and Demarcation.	Ditto.
IV of 1868, sections 16, 17, 19 and 20 as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 99-R., dated the 17th October, 1877.	Survey and Settlement.	Ditto.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1.(b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1898—*contd.*THE FIRST SCHEDULE—*concl'd.*ENACTMENTS REPEALED—*concl'd.*

Number and year.	Subject	Extent of repeal.
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PART I.

Acts of the Governor General in Council.

V of 1879, sections 188 to 192 (both-inclusive), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 4402-J., dated the 22nd December, 1886.	Bombay Land Revenue Code.	The whole.
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PART III.

Local Rules and Orders having the force of Law.

Government of India letter No. 407, dated the 10th December, 1866, and Secretary of State's despatch No. 23, dated the 16th March, 1867, as altered by Government of India letter No. 97-R., dated the 17th October, 1877.	Berar Sub-tenancy Rules.	The whole, subject to the provisions of section 2.
Secretary of State's despatch No. 23, dated the 16th April 1867, and the new rule substituted for Rule XIX of the Berar Settlement Rules by the Notification of the Government of India in the Foreign Department, No. 118, dated the 4th December, 1877.	Berar Settlement Rules	Ditto.
Government of India letter No. 4771, dated the 23rd February, 1883.	Rules regarding the levy of the jaglia and local cess.	The whole, subject to the provisions of section 2.
Government of India letter No. 3662-I., dated the 11th December 1883.	Rules about the constitution and pay of jaglias	Ditto.
Government of India letter No. 1403-J., dated the 19th April, 1884.	Rules regarding the admission of pleaders and authorized agents in revenue cases.	Ditto.
Government of India letter No. 369-R., dated the 23rd May, 1884.	Rules regarding the levy of process-fees by Revenue officers.	Ditto.
Government of India letter No. 940-I., dated the 18th March, 1886.	Exempting the jagir villages of ¹ [Akoli and Belgaon] from the operation of clause 2 of Rule 19 of the Berar Settlement Rules.	Ditto.

¹ The words "Akoli and Belgaon" were substituted for the words "Akola and Belgaum" by Notification No. 2831-I., dated the 27th July, 1897, see *Gazette of India*, 1897, Pt. I, p. 681.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.*

THE SECOND SCHEDULE.

FORM OF BOND TO BE REQUIRED UNDER SECTION 21.

(See Section 21.)

Whereas I _____ have been appointed _____ in the Hyderabad Assigned Districts, and whereas I _____ have been required to furnish security under the provisions of section 21 of the Hyderabad Assigned Districts Land Revenue Code for the due discharge of the trusts of the said office, or of any other office to which I may be hereafter appointed, and for the due account of all moneys, papers and other property which shall come into my possession or control by reason of such office ;

Now therefore I _____, son of _____, residing at _____ in Taluk _____, District _____, do hereby furnish security to the extent of Rupees _____, and do hereby declare that if at any time, either during my tenure of office or after, it shall appear to the Government through its constituted officers that I have failed to produce or account for any moneys, property, stores, accounts, books, papers, and the like, placed by Government under my care, or that I have falsified or made away with such accounts, books, papers and the like, or that I have embezzled, stolen or misappropriated any such moneys, property, stores, and the like, or that through my carelessness or negligence any such moneys, property, stores, and the like, or accounts, books, papers, and the like, have been embezzled, stolen, misappropriated or otherwise made away with out of my custody or charge, or that through my neglect the Government is subjected to any loss I bind myself to forfeit to the Government the sum of Rs. _____.

I further agree to the retention of this bond by Government during its pleasure.

Dated _____

(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

Whereas _____ has been appointed _____ in the Hyderabad Assigned Districts, and whereas the said _____ has been required to furnish security under the provisions of section 21 of the Hyderabad Assigned Districts Land Revenue Code, for the due discharge of the trusts of the said office or of any other office to which he may be hereafter appointed, and for the due account of all moneys, papers, and other property, which come into his possession or control by reason of any such office ;

Now, therefore, we _____ residing at _____ in Taluk _____, District _____, do hereby become security for the said _____ to the extent of Rs. _____, and we hereby declare that if at any time, either during the tenure of office of the said _____ or after, it shall appear to the Government through its constituted officers that during the period of our suretyship the said _____ has failed to produce or account for any moneys, property, stores, accounts, books, papers, and the like, placed by Government under his care, or that the said _____ has falsified or made away with any such accounts, books, papers, and the like, or that

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1.(b)—Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*contd.***

the said has embezzled, stolen or misappropriated any such moneys, property, stores, and the like, or that through the carelessness or negligence of the said any such moneys, property, stores, and the like, or accounts books, papers, and the like, have been embezzled, stolen, misappropriated or otherwise through the neglect of the said the Government is subjected to any loss, we bind ourselves jointly and severally to forfeit to the Government the sum of Rs. .

We further agree to the retention of this bond by Government during its pleasure. Provided always that we, the said and , or either of us, shall be at liberty to terminate our or his suretyship upon giving to the Deputy Commissioner for the time being of the District six calendar months' notice in writing of our or his intention so to do.

Accepted.

(*Signature of sureties.*)

THE THIRD SCHEDULE.

FORM OF WARRANT TO BE ISSUED BY THE DEPUTY COMMISSIONER UNDER SECTION 23 AND SECTION 125.

Seal.

To

The Officer in charge of the Civil Jail at .

Whereas *A.B.* of

was on the day of ordered by to (*here state the substance of the demand made*) ; and whereas the said *A. B.* has neglected to comply with the said order, and it has therefore been directed, under the provisions of section of the Hyderabad Assigned Districts Land Revenue Code, that he be imprisoned in the Civil Jail until he obey the said order or until he obtain his discharge under the provisions of section of the said Code ; you are hereby required to receive the said *A. B.* into the Jail under your charge, and to carry the aforesaid order into execution according to law.

Dated this

day of

189 .

(*Signature of Deputy Commissioner.*)

THE FOURTH SCHEDULE.

FORM OF BOND TO BE REQUIRED UNDER SECTION 26 AND SECTION 133.

Whereas I, have been ordered by to (*here state the nature of the demand*) ; and whereas I dispute the right of the said to make the said order, I hereby bind myself to file a suit within fifteen days from the date of this bond in the District Court of to contest the justice of the demand, and to agree that, in the event of a decree being

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1.(b)-Special Local Laws—*contd.*****The Hyderabad Assigned Districts Land-revenue Code, 1896—*concl'd.***

passed against me, I will fulfil the same and will pay all amounts, including costs and interest, that may be due by me, or that, if I fail to institute a suit as aforesaid, I will, when required, pay the above-mentioned amount of rupees (or will deliver up the above-mentioned papers or property, as the case may be), and, in the case of my making default therein, I hereby bind myself to forfeit to the Secretary of State for India in Council the sum of rupees.

Dated this day of 189 .
(Signature.)

FORM OF SECURITY TO BE SUBJOINED TO THE BOND OF THE PRINCIPAL.

We, hereby declare ourselves securities for the above-said that he shall do and perform all that he has above undertaken to do and perform, and in case of his making default therein we hereby bind ourselves to forfeit to the Secretary of State for India in Council the sum of rupees.

Dated this day of 189 .
(Signature.)

THE FIFTH SCHEDULE.

(See section 79.)

I.—FORM OF NOTICE TO BE GIVEN BY LANDLORD TO QUIT.

To

A. B.

I do hereby give you notice that I do intend to enter upon and take possession of the land (*here give the description*) which you now hold as tenant under me, and you are therefore required to quit and deliver up possession of the same at the end of this current year, terminating on the of 189 .

Dated this day of 189 .
(Signature, C. D.)

II.—FORM OF NOTICE TO BE GIVEN BY TENANT TO LANDLORD OF HIS INTENTION TO QUIT.

To

C. D.

I do hereby give you notice that I shall quit and deliver up to you, at the end of this current year, terminating on the of 189 , the land (*here give the description*) which I hold from you.

Dated this day of 189 .
(Signature, A. B.)

[See *Gazette of India*, 1896, Pt. I, p. 758.]

Berar Excise Law, 1897.

No. 4220-I.B., dated the 12th November, 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

(XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders to make better provision for the import, transport, manufacture, sale and possession of liquor and the collection of revenue derived therefrom in the Hyderabad Assigned Districts :

CHAPTER I.

PRELIMINARY.

1. (1) These orders may be called the Berar Excise Law, 1897, and are hereinafter referred to as "this law."

Short title, extent, commence- after referred to as "this law."
ment, and repeal.

(2) This law extends to such portions of the Hyderabad Assigned Districts as the Resident, with the previous sanction of the Governor General in Council, may by Notification in the Hyderabad Residency Orders direct ; and

(3) It shall come into force on the 13th November, 1897.

(4) The orders mentioned in the schedule are repealed to the extent specified therein, but all rules made, powers conferred and licenses and farms granted under any of the said orders and in force on the same day shall, as far as may be, be deemed to have been respectively made, conferred and granted under this Law.

2. In this Law, unless there is anything repugnant in the subject or context,

Definitions.

- (a) "Resident" means the Resident at Hyderabad ;
- (b) "Commissioner" means the Commissioner, Hyderabad Assigned Districts, or the Inspector General of Excise, if and in so far as he is specially empowered to act in that behalf by the Resident ;
- (c) "Collector" means any Revenue officer in independent charge of a district, and includes any officer appointed under section 4 to exercise the powers and perform the duties of a Collector under this law ;
- (d) "Magistrate" means any Magistrate of the first or second class, or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the district ;
- (e) "Tari" means the sap of any kind of palm tree, whether in its fermented or unfermented state ;
- (f) "Liquor" includes spirits of wine, spirits, wine, tari, beer, and all liquid consisting of or containing alcohol ;
- (g) "Country liquor" includes all liquor produced or manufactured in India ;
- (h) "Import" includes removal from a province in British India, or from a Native State into the Hyderabad Assigned Districts ; and
- (i) "Ser" means a weight of eighty tolas.

CHAPTER II.

ESTABLISHMENT AND CONTROL.

3. Subject to the control and direction of the Commissioner and the orders of the Resident, the Collectors are charged with the collection of the revenue derived from the manufacture out this law.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments -1. (b)-Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

sale, possession and import of liquor and tari, and with the carrying out of the provisions of this law.

4. The Resident may, by Notification in the Hyderabad Residency Orders, appoint any person other than the Collector to exercise in any district or place all the powers and perform all the duties conferred and imposed by this law on a Collector, subject to such control, if any, in addition to that of the Commissioner, as the Resident may from time to time direct.

5. The Commissioner may appoint persons by name or by virtue of their office to be officers for the collection of revenue and for the prevention of offences against this law, and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise officers.

6. All Police officers are required to aid the Excise officers in the due execution of this law upon request made by such Excise officers.

Investment of Police officers with powers of Excise officers.

7. (1) The Resident may from time to time, invest either by name or in virtue of his office—

(a) any Police officer with the powers conferred on Excise officers by section 28.

(b) any Police officer in charge of a station or any Police officer of or above the grade of head constable with all or any of the powers conferred on Excise officers by section 27, clauses (b), (c), (d) and (e).

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise officer within the meaning of this law.

CHAPTER III.

IMPORT AND TRANSPORT.

8. No country liquor shall be imported into any part of the Hyderabad Assigned Districts to which this law extends except under a pass issued by the Commissioner, subject to such conditions and on the payment of such duty and fees as the Resident, with the previous sanction of the Governor General in Council, may from time to time by rule prescribe.

9. No country liquor or tari exceeding such quantity as the Resident may from time to time deem fit to prescribe by Notification in the Hyderabad Residency Orders shall be transported or removed from any one place to any other place unless under a permit issued by an Excise officer duly empowered in this behalf.

CHAPTER IV.

MANUFACTURE AND SALE.

10. No country liquor shall be manufactured, no tari shall be drawn from any tree, no distillery or brewery shall be constructed or worked, and no person shall use, keep or have in his possession any materials, still, utensil, implement

Manufacture prohibited except under provisions of this law.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

or apparatus whatsoever for the purpose of manufacturing liquor except under the authority and subject to the terms and conditions of a license to be granted by the Collector in this behalf or under the provisions of section 11.

Establishment of public distilleries. 11. The Collector may, with the previous sanction of the Resident,—

(a) establish at any place within his jurisdiction a public distillery in which country liquor may be manufactured under a license granted under the last preceding section on such conditions as the Resident deems fit to impose, and

(b) discontinue any public distillery so established.

12. No liquor shall be sold except under and in accordance with the terms of a license from the Collector :

Sale prohibited without a license.

Provided that this section shall not apply to the sale of any liquor legally procured by any person for his private use and sold by him or by auction on his behalf, or on behalf of his representatives in interest, upon his quitting a station or after his decease.

13. It shall be lawful for the Resident, from time to time, by Notification in

Limits of retail sale.

the Hyderabad Residency Orders, to limit the quantity of country liquor which may be sold by retail at one time or to one and the same person in the aggregate on any one day.

When any such limit has been prescribed, the Collector or any Excise officer duly empowered in this behalf may, subject to rules prescribed under section 26, give special orders for the occasional sale of country liquor in quantities exceeding such limit.

14. No owner of any tari-producing tree, and no person having a right to the juice of any such tree, and no drawer of tari, shall

Sale of tari.

sell tari, and no person transporting tari under a permit granted under section 9 shall sell the same except—

(a) under a license granted under section 12, or

(b) to a person who holds a license granted under section 12.

CHAPTER V.

DUTIES.

Duty on liquor.

15. A duty shall, if the Resident so directs, be levied on all country liquor—

(a) permitted to be imported under the provisions of section 8 ;

(b) manufactured under any license granted under section 10 ;

(c) manufactured at any distillery established under section 11 ;

(d) permitted under section 9 to be transported from any one place to any other place,

at such rate or rates as the Resident with the previous sanction of the Governor General in Council, may from time to time prescribe.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

The said duty may be imposed at a certain rate per Imperial gallon of liquor of not more than a certain strength, to be augmented in proportion as the strength of the liquor exceeds such strength, or a lump sum to be paid daily or monthly, or at other specified periods, in consideration of the privilege granted or in such other manner as the Resident, with the previous sanction of the Governor General in Council, may deem fit to direct.

16. For every tari-producing tree from which tari is drawn, there shall, if the Resident so directs, be levied for any period during which such tree is tapped, such duty as the Resident, with the previous sanction of the Governor General in Council, from time to time directs; and every license for drawing tari granted under section 10 shall specify, in addition to any other particulars prescribed by the Resident under section 21,—

- (a) the number, description and situation of the trees to be tapped;
- (b) the amount of duty to be levied in respect of each tree included in the license;
- (c) the instalments, if any, in which and the periods at which the said duty shall be leviable.

17. The said duty shall be leviable primarily from the person holding the license to draw toddy, and, in default by him or if the trees are tapped without license, from the owner of the trees.

18. When any duty is recovered under the last preceding section from the owner of the trees, he shall be entitled to assistance in recovering the same from the holder of the license under the provisions of the law for the time being in force relating to the recovery by a superior landholder of their dues from their tenants.

19. If the Resident so directs, the Collector may, instead of levying the duty on each tree under section 16, farm the right of drawing tari from all tari-producing trees within any local area, and may let such farm either by public auction or otherwise for such period and on such conditions as the Resident shall deem fit to impose; and within any such area no person shall draw tari from any tari-producing tree except with the written permission of the person to whom the said right is farmed.

20. The privilege of drawing tari from trees the right to which vests in Government may be disposed of annually by auction or otherwise, on such terms as the Collector, acting under the general orders of the Resident, may deem fit.

CHAPTER VI.

LICENSES, ETC.

Form and conditions of licenses, etc.

21. Every license, permit or pass granted under this law shall be granted—

- (a) on payment of such fees, if any,

CHAPTER III —BERAR—*contd.***B-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

- (b) for such period,
- (c) subject to such restrictions and on such conditions, and
- (d) shall be in such form and contain such particulars,

as the Resident may direct in rules or orders made either generally or in any particular instance in this behalf, such rules or orders being not inconsistent with this law.

22. Every person taking out a license for the manufacture or sale of any liquor

under this law shall execute a counterpart agreement in conformity with the tenor of his license, and shall give such security for the performance of his agreement as the Collector may require.

23. The Collector may summarily recall or cancel any license, permit or pass
 Power to recall licenses. granted under this law—

- (a) if any fee or duty payable by the holder thereof be not duly paid, or
- (b) in the event of any breach by the holder of such license, permit or pass, or by his servants, or by any one acting with his express or implied permission on his behalf, of any of the terms or conditions of such license, permit or pass, or
- (c) if the holder thereof is convicted of any offence against this law or any other law for the time being in force relating to abkari revenue or of any criminal offence.

CHAPTER VII.

GENERAL PROVISIONS.

24. Every person who manufactures or sells liquor under a license granted under this law shall be bound—
 Keeping measures.

- (a) to supply himself with such measures and with such instruments for testing the strength or quality of liquor as the Collector may prescribe, and to keep the same in good condition; and
- (b) on the requisition of any Excise officer duly empowered in this behalf, at any time to measure out or test the strength or quality of any liquor in his possession in such manner as the said Excise officer may require.

25. All duties, taxes, fines and fees leviable under any of the provisions of the law or of any license, permit or pass issued under it, and all amounts due from any farmer under this law, may be recovered from the person primarily liable to pay the same, or from his surety (if any), as if they were arrears of land revenue.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

CHAPTER VIII.

POWERS OF EXCISE OFFICERS.

26. The Commissioner may from time to time frame rules subject to the
Power to frame rules. sanction of the Resident—

- (a) regulating the mode in which tari may be supplied to licensed vendors or the same or to persons who use it in the manufacture of other liquor ;
- (b) determining the number of licenses of each description to be granted in any district or place ;
- (c) regulating the number, size and description of stills to be used in any distillery ;
- (d) providing for the inspection and supervision of stills, distilleries and breweries ;
- (e) for the management of any public distillery established under section 11 ;
- (f) for placing the storage, import, transport or removal of liquor under such supervision as may be deemed necessary for the purposes of this law ;
- (g) prescribing the occasions on which special orders may be granted under section 13 for the retail sale of larger quantities of country liquor than are prescribed in any notification issued under the said section, and the conditions on which such sales may be made ;
- (h) prohibiting the use of any article which he shall deem to be noxious or otherwise objectionable in the manufacture of liquor.

Power to enter and inspect places of manufacture and sale, and to enter, seize and arrest on information that liquor, etc., is unlawfully kept in any enclosed place.

27. Any Excise officer duly empowered in this behalf may—

- (a) enter and inspect, at any time by day or by night, any shop or premises in which any licensed manufacturer or vendor carries on the manufacture or sale of any liquor, or draws tari, or stores any such liquor, and examine, test, measure or weigh any such person's stock of liquor or materials, or
- (b) enter at any time by day or by night, any building, vessel or enclosed place in which he has reason to believe that liquor liable to confiscation under this law is manufactured, kept or concealed, or that tari is drawn, or that any still, utensil, implement or apparatus is used, kept or concealed for the purpose of manufacturing liquor contrary to the provisions of this law ; and
- (c) in case of resistance, break open any door and remove any other obstacle to his entry into any such shop, premises, building, vessel or other place ; and
- (d) seize any liquor and any material used in the manufacture thereof, and any still, utensil, implement or apparatus, and any other thing which

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—1. (b)—Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

he has reason to believe to be liable to confiscation under this law or under any other law for the time being in force relating to abkari revenue; and

- (e) detain and search and, if he think proper, arrest any person whom he has reason to believe to be guilty of any offence under this or any other law for the time being in force relating to abkari revenue.

Power to seize liquor, etc., in open places and to detain, search and arrest.

28. Any Excise officer may—

- (a) seize in any open place or in transit any liquor or any other thing which he has reason to believe to be liable to confiscation under this or any other law for the time being in force relating to abkari revenue;
 (b) detain and search any person whom he has reason to believe to be guilty of any offence against this or any other such law, and, if such person has any such liquor or other thing in his possession, arrest him.

29. All searches under the two last preceding sections shall be made in accordance with the provisions of the Code of Criminal Procedure, 1882,¹ as applied to the Hyderabad

Assigned Districts.

Issue of warrants.

30. The Collector may issue a warrant.

- (a) for the arrest of any person whom he has reason to believe to have committed an offence against this or any other law relating to abkari revenue for the time being in force; or
 (b) for the search, whether by day or by night, of any building, vessel or place in which he has reason to believe that any liquor is manufactured or sold, or that any tari is drawn contrary to the provisions of the law, or that any liquor or other thing liable to confiscation under this or any other law for the time being in force relating to abkari revenue is kept or concealed.

All warrants issued under this section shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1882,¹ as applied to the Hyderabad Assigned Districts, by a Police officer or by an Excise officer duly empowered in this behalf, or, if the officer issuing the warrant deems fit, by any other person.

31. Every person arrested and thing seized under sections 27, 28, or 30 shall be

Disposal of person arrested of thing seized.

forwarded without delay to the officer in charge of the nearest police station, who shall enquire into and deal with the case as one of an offence for which the Police may arrest without a warrant.

32. It shall be lawful for the Collector by notice in writing to the licensee to

Closing of shop for the sake of public peace

require that any shop in which liquor is sold by retail shall be closed at such times as he may deem it necessary for the sake of public peace and order that such shop should remain closed.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is now in force in these districts in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

In the event of the occurrence of a riot or unlawful assembly in the vicinity of any such shop, it shall be lawful for any Magistrate or Police officer who is present to require such shop to be kept closed for such period as he deems fit.

CHAPTER IX.

PENALTIES.

33. Whoever in contravention of this law, or of any rule or order made under this law, or of any license, permit or pass obtained under this law,
For illegal import, etc.

- (a) imports country liquor into any part of the Hyderabad Assigned Districts to which this law extends, or
- (b) transports or removes country liquor from one place to another, or
- (c) manufactures country liquor, or
- (d) draws tari from any tree, or
- (e) constructs or works any distillery or brewery, or
- (f) uses, keeps or has in his possession any material, still, utensil, implement or apparatus whatsoever for the purpose of manufacturing country liquor, or
- (g) sells liquor,

shall be punished for each such offence with fine which may extend to one thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

34. Whoever in contravention of this law, or of any rule or order made under this law, or of any license, permit or pass obtained under this law,—
For neglect to keep measures, etc.

- (a) neglects to supply himself with measures for measuring liquor, or with instruments for testing the strength of liquor, or to keep the same in good condition, or
- (b) refuses to measure or test the strength or quality of any liquor in his possession,

shall be punished for each such offence with fine which may extend to two hundred rupees.

35. Whoever, being the holder of a license, permit or pass granted under this law, or being the servant or agent of such holder,—
For misconduct by licensee, etc.

- (a) fails to produce such license, permit or pass on the demand of any Excise officer duly empowered to make such demand, or
- (b) wilfully does, or omits to do, anything in contravention of any rules or orders made under this law, or
- (c) commits any act in breach of any of the conditions of his license not otherwise provided for in this law, or

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Excise Law, 1897—*contd.***

- (d) wilfully contravenes any rule prescribed by the Commissioner for the management of a public distillery established under section 11, or
- (e) commits any act in breach of the conditions on which he is permitted to manufacture liquor in any such public distillery, or
- (f) permits drunkenness, riot or gambling in any shop or place in which such liquor is sold or manufactured, or
- (g) permits persons of notoriously bad character to meet or remain in any such shop or place,

shall be punished for each such offence with fine which may extend to one hundred rupees.

For misconduct by licensed vendor or manufacturer. 36. Whoever, being the holder of a license for the sale or manufacture of liquor under this law,—

- (a) mixes or permits to be mixed with the liquor sold or manufactured by him any noxious drug or any foreign ingredient likely to add to its actual or apparent intoxicating quality or strength, or any article prohibited by any rule made under section 26, clause (h), when such admixture shall not amount to the offence of adulteration under section 272 of the Indian Penal Code,¹ as applied to the Hyderabad Assigned Districts ;
- (b) sells or keeps, or exposes for sale, as European or foreign liquor which he knows or has reason to believe to be country liquor,

shall be punished for each such offence with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

37. Whoever, except under the authority of some license, permit, pass or special order obtained under this law, has in his possession any larger quantity of country liquor than may legally be sold by retail under the provisions of section 13, shall be punished with fine which may extend to two hundred rupees.

38. Whoever maliciously gives false information that any person has committed or been concerned in any offence against this law with the intent that such person be arrested, or that any building, vessel or other place be searched to the injury or annoyance of such person or of any other person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

For vexatious search or arrest. 39 Any Excise officer who,—

- (a) without reasonable ground of suspicion, searches, or causes to be searched, any place, or
- (b) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this law, or

¹ This Code was applied to the Hyderabad Assigned Districts by Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Excise Law, 1897—*contd.*

(c) vexatiously and unnecessarily arrests any person, or

(d) commits any other excess not required for the execution of his duty, shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

40. Any Excise officer who, in contravention of section 31, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as the case may be, any person arrested or any articles seized under this law, shall be punished with fine which may extend to two hundred rupees.

41. Any Excise or other officer who unlawfully releases or connives at the escape of any person arrested under this law, or connives at the commission of any offence against this law, or arrested, etc.

acts in any manner inconsistent with his duty for the purpose of enabling any person to do anything whereby any of the provisions of this law may be evaded or broken, or the abkari revenue defrauded,

shall for every such offence be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to six months, or with both.

42. Any Police officer who without lawful excuse, neglects or refuses to assist any Excise officer in carrying out the provisions of this law shall be punished with fine which may extend to five hundred rupees.

43. In prosecutions under section 33 or section 37 it shall be presumed, until the contrary is proved, that the accused person has committed an offence under those sections in respect of any liquor or any still, utensil, implement or apparatus whatsoever for the manufacture of liquor, or any such materials as are ordinarily used in the manufacture of liquor, for the possession of which he is unable to account satisfactorily ;

and the holder of a license, permit or pass under this law shall be responsible, as well as the actual offender, for any offence committed by any person in his employ or acting on his behalf under section 33, 34, 35 or 36 as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence.

What things liable to confiscation 44. All liquor in respect of which any offence under this law has been committed, and

all stills, utensils, implements or apparatus whatsoever for the manufacture of liquor used, kept or had in possession in contravention of this law, or of any rule or order made under this law, or of any license obtained under this law, and

all materials collected or had in possession for the purpose of unlawfully manufacturing liquor, and

the vessels, packages and coverings in which any liquor, still, utensil, implements, apparatus or material aforesaid is found, and the other contents, if any, of the

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws— *contd.*****Berar Excise Law, 1897—*contd.***

vessel or package in which the same is found, and the animals, carts, vessels or other conveyances used in carrying the same,

shall be liable to confiscation.

Order of confiscation by whom to be made.

45. All confiscations under this Law shall be adjudged by the Collector :

Provided that no order of confiscation shall be made until the expiration of one month from the date of seizing the things intended to be confiscated, or without hearing any person who claims a right thereto, and the evidence, if any, which he produces in support of his claim.

Whenever confiscation is ordered under this law, the owner of the thing ordered to be confiscated may, at the discretion of the Collector, be given an option of redeeming it on payment of such fine as the Collector thinks fit.

Redemption may be allowed.

CHAPTER X.

PROCEDURE.

Cognizance of offences.

46. All offences against this law shall be cognizable by a Magistrate.

47. All things confiscated under this law shall be disposed of in such manner as the Commissioner from time to time directs in rules or orders made either generally or in any particular instance in this behalf.

Disposal of things confiscated.

48. The Resident may from time to time make rules for regulating the payment of rewards to officers and informers out of the proceeds of fines and confiscations under this Law.

Payment of rewards.

49. All orders passed by any Excise officer other than the Collector or Commissioner under this law shall be appealable to the Collector at any time within sixty days from the date of the order complained of.

Appeals.

All orders passed by a Collector or the Commissioner shall be appealable to the Commissioner or to the Resident respectively at any time within ninety days from the date of the order complained of.

Subject to the foregoing provisions, the rules for the time being in force relating to appeals in the Revenue Department shall apply to appeals under this law.

50. The Resident may from time to time, by notification in the Hyderabad Residency Orders, exempt within any specified local area any specified articles or any specified class of persons from all or any of the provisions of this law, and may, by like notification, cancel any such exemption.

Power to exempt articles and persons.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Excise Law, 1897—*concl'd.*

SCHEDULE.

[See section 1 (3) of this Law.]

Serial No. in the Schedule.	Description of orders.	Extent of repeal.
1	Abkari rules for the Hyderabad Assigned Districts as given in R. B. Circular I, Chapter X, Volume I, of the Code of Non-Judicial Book Circulars in force in the Hyderabad Assigned Districts, with subsequent modifications to date.	So far as they relate to fermented liquors, foreign spirits, country spirits and tari.

[See *Gazette of India*, 1897, Pt. I, p. 1012.]

Berar Hemp Drugs Law, 1897.

No. 4222-I.B., dated the 12th November, 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders to make better provision for the production, sale, possession and import of intoxicating drugs, and for the collection of revenue therefrom, in the Hyderabad Assigned Districts :

CHAPTER I.

PRELIMINARY.

Title, extent, commencement and repeal.

1. (1) These orders may be called the Berar Hemp Drugs Law, 1897, and are hereinafter referred to as "this Law."

(2) This law extends to the Hyderabad Assigned Districts.

(3) It shall come into force on the 1st April, 1898.

(4) So much of the orders mentioned in the schedule hereto annexed as relates to intoxicating drugs is repealed, but all rules made, powers conferred, and licenses and farms granted under any of the said orders and in force at the commencement of this law, shall, as far as may be, be deemed to have been respectively made, conferred and granted under this law.

(5) Any power conferred by this law to make rules or issue orders may be exercised at any time after the publication of this law in the *Gazette of India*, but a rule or order so made or issued shall not take effect until the commencement of this law.

Definitions.

2. In this law, unless there is something repugnant in the subject or context,—

(a) "Resident" means the Resident at Hyderabad ;

(b) "Commissioner" means the Commissioner, Hyderabad Assigned Districts, or the Inspector-General of Excise, if and in so far as he is specially empowered to act in that behalf by the Resident ;

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

- (c) "Collector" includes any Revenue officer in independent charge of a district or any officer appointed by the Resident to discharge throughout any specified area the functions of a Collector under this law;
- (d) "Magistrate" means any Magistrate exercising powers not less than those of a Magistrate of the second class or any Magistrate of the third class specially authorized in this behalf by the Magistrate of the district;
- (e) "Import" includes removal from a province in British India or from a Native State into the Hyderabad Assigned Districts;
- (f) The expression "intoxicating drugs" means ganja, bhang, charas and every preparation and admixture of the same;
- (g) "Hemp" means any variety of the hemp plant from which intoxicating drugs can be produced;
- (h) "Tola" means a weight of one hundred and eighty grains Troy;
- (i) "Ser" means a weight of eighty tolas;
- (j) The articles next hereinafter mentioned shall be deemed to be sold retail within the meaning of this law when sold in quantities not exceeding those next hereinafter specified in respect of them, that is to say—
 Bhang, or any preparation or admixture thereof, one ser; ganja or charas, or any preparation or admixture thereof, five tolas.
 If sold in larger quantities, they shall be deemed to be sold wholesale.

CHAPTER II.

CULTIVATION AND CONTROL OF INTOXICATING DRUGS.

3. The Resident, with the previous sanction of the Governor General in Council, may from time to time, by Notification in the Hyderabad Residency Orders, in respect of the whole or any part of the Hyderabad Assigned Districts—
- Prohibition, restriction and regulation of cultivation of hemp-plant and production of intoxicating drugs.

- (a) prohibit absolutely, or except under and subject to the conditions of a license granted by such officer as the Resident may from time to time appoint in this behalf, the cultivation of the hemp-plant and the preparation or production of intoxicating drugs from the hemp-plant so cultivated, and place the cultivation of the hemp-plant and the production or preparation and storage of such intoxicating drugs as aforesaid under such supervision as may be deemed necessary to secure payment of the duty (if any) imposed under this law;
- (b) restrict and regulate, in such manner as may by rule be prescribed, the collection by any person of the spontaneous growth of the hemp-plant and the preparation of intoxicating drugs from the spontaneous growth so collected; and
- (c) prohibit absolutely, or otherwise than by certain specified routes and under specified conditions, the import and transport of intoxicating drugs; and may in like manner cancel or vary any such Notification.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws - *contd.*****Berar Hemp Drugs Law, 1897—*contd.***

4. The Resident, with the previous sanction of the Governor General in Council, may, from time to time, by Notification in the Hyderabad Residency Orders, in respect of the whole or any part of the Hyderabad Assigned Districts—

- (a) impose such duty, not exceeding two hundred rupees per acre, as he may think fit on the cultivation of hemp, or
- (b) impose such duty, not exceeding twenty rupees per ser, as he may think fit on intoxicating drugs produced or prepared in, or imported into or exported from, or transported from place to place within, the Hyderabad Assigned Districts or any part thereof,
- and may in like manner alter or abolish any duty imposed under this section.

Bonded warehouses.

5. The Resident, with the previous sanction of the Governor General in Council, may from time to time—

- (a) establish or license bonded or other warehouses for the storage of intoxicating drugs, and
- (b) direct that, subject to such conditions (if any) as he may from time to time impose, the levy of the duty (if any) payable under section 4 on intoxicating drugs in transit to and from, or stored in, such warehouses shall be postponed until such time as may by rule be fixed in this behalf.

6. (1) If intoxicating drugs are lodged in a warehouse established under the last foregoing section, the owner shall pay monthly, on receiving a bill or written demand for the same from the Collector or other officer deputed by the Collector in this behalf, warehouse dues at such rates as the Resident may fix.

(2) If any bill for warehouse dues presented under this section is not discharged within ten days from the date of presentation, the Collector may in discharge of such demand (any transfer or assignment of the drugs notwithstanding) cause to be sold in such manner as he may think fit such sufficient portion of the drugs as he may select.

(3) Out of the proceeds of such sale the Collector shall satisfy, first, the duty payable in respect of the drugs sold, and next, the demand in respect of which the drugs were sold, and shall then pay the surplus (if any) to the owner of the drugs on his application:

Provided that if the drugs fail to produce a sum sufficient to satisfy the said duty and demand, the same shall not be sold, but shall be destroyed by or by order of the Collector:

Provided, also, that the application for such surplus (if any) as aforesaid be made within one year from the date of the sale of the drugs, or that sufficient cause be shown for making it within such period.

7. Any intoxicating drugs warehoused under this law may be left in the warehouse in which they are deposited, or in any warehouse to which they may in manner hereinafter provided be removed, till the expiry of two years

Period during which intoxicating drugs may remain warehoused.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

from the date on which they were so deposited. The owner of any drugs remaining in a warehouse on the expiry of such period shall forthwith clear the same :

Provided that when the license for a warehouse licensed under this law is cancelled, and the Collector gives notice of such cancellation to the owner of any drugs deposited in such warehouse, such owner shall, within seven days from the date on which such notice is given, remove such drugs to another warehouse or clear them.

8. Any owner of intoxicating drugs warehoused under this law may, at any time within two years from the date on which the drugs were so warehoused, with the permission of the Collector and on such conditions and after giving such security (if any) as the Collector may direct, remove the drugs from one warehouse to another, whether established by the Resident under this law or under any other enactment for the time being in force.

9. No person shall have in his possession any larger quantity of any intoxicating drugs than that specified in section 2, clause (j), in respect of such drugs, unless he is permitted to collect, cultivate, manufacture or sell the same, or holds a pass therefor from the Collector or some other officer empowered by the Resident to grant such passes.

10. The Resident, with the previous sanction of the Governor General in Council may from time to time, by Notification in the Hyderabad Residency Orders, make rules consistent with this Law—

- (a) to regulate the time, place and manner of payment of the duties (if any) imposed under section 4 ;
- (b) to carry into effect the provisions of section 3, section 5 and section 9 or any of them ; and
- (c) generally to carry into effect the provisions of this chapter.

11. The Collector or any other officer empowered by the Resident in this behalf may, from time to time, grant licenses or passes to persons desirous of possessing or transporting intoxicating drugs, and the Commissioner, with the previous sanction of the Resident, may make rules to regulate the grant of such licenses or passes.

CHAPTER III.

SALE OF INTOXICATING DRUGS.

12. No intoxicating drug shall be sold except under and in accordance with the terms of a license granted under the provisions hereinafter contained :

Intoxicating drugs not to be sold without license.

Provided that any person authorized to cultivate the hemp-plant may sell any intoxicating drug prepared from his plants to any person to whom he is permitted by the terms of his license to sell the same, or to any person authorized to purchase the same by the order in writing of the Collector.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

13. (1) Subject to the rules made by the Resident under the powers conferred by this law, the Collector may grant licenses for the retail sale of intoxicating drugs within his district or any part thereof or at any place therein.

Licenses how granted and cancelled.

(2) Licenses for the sale of intoxicating drugs wholesale shall be granted only by such officer as the Resident from time to time appoints in this behalf.

(3) Any license granted under this section may be cancelled by the Collector for any cause specified therein.

14. (1) Whenever the Collector considers that the license of a vendor of intoxicating drugs should be cancelled for any cause other than those specified in such license, he shall remit a sum equal to the amount of the license-fee for fifteen days, and shall either give fifteen days' previous notice of his intention to cancel the license, or shall in addition to remitting such sum as aforesaid, make such compensation for default of notice as the Resident directs.

Further power to cancel licenses.

(2) On the expiration of such notice or the payment of such additional compensation the Collector may cancel the said license.

15. (1) Any retail vendor licensed under this law may surrender his license on the expiration of one month's previous notice given by him to the Collector of his intention to surrender the same, and on payment of such sum not exceeding the amount of the license fee for six months as the Collector may fix in this behalf.

Surrender of retail license.

(2) If the Collector is satisfied that there is sufficient reason for surrendering a license, he may remit the sum so fixed.

16. (1) The Collector, with the sanction of the Resident, may let in farm the fees leviable in any district or part of a district on licenses for the retail sale of intoxicating drugs.

Farming of fees.

(2) When the fees so leviable are let in farm, the farmer may, subject to such reservations or restrictions as the Collector, with the sanction of the Resident, may from time to time make or impose, grant licenses for the retail sale or for the manufacture, or for both, as the case may be, of intoxicating drugs within the local limits of his farm, and shall file in the Collector's office a list of all the licenses granted by him in such form and on such day or days in each year as the Resident may from time to time prescribe in this behalf.

17. The Collector, with the sanction of the Resident, may cancel any farm granted under this law.

Power to cancel farm.

18. If any farm be cancelled for any cause other than a breach on the part of the farmer of the conditions of the farm, or if any reservation or restriction with respect to the grant of the license be made or imposed within the term of the farm, the farmer shall be entitled to receive for any loss which he sustains thereby such compensation as the Resident may determine.

Compensation to farmer in certain cases.

19. The Collector may, in his discretion, use the same means and processes for the recovery of any arrears of fees due to any farmer under this law from any retail vendor as may be lawfully used for the recovery of arrears of land revenue :

Recovery of arrears due to farmer.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

Provided that the execution of any process issued by the Collector for the recovery of such amount shall be stayed if the person from whom it is sought to recover the same institutes a suit in the Civil Court to try the demand of the farmer, and furnishes security to the satisfaction of the Collector for the payment of the amount which the Court may adjudge to be due from him to such farmer :

Provided also that nothing contained in this section or done thereunder shall affect the right of any such farmer to recover by suit in the Civil Court or otherwise any amount due to him from any such person as aforesaid.

CHAPTER IV.

OFFICERS AND THEIR POWERS.

20. The Commissioner may appoint persons, by name or by virtue of their office, to be officers for the collection of revenue from intoxicating drugs and for the prevention of offences against this law, and the officers so appointed shall, in addition to their ordinary designations (if any), be styled Excise officers.

21. The Collector may recover any amount due to the Government under this law or the rules made hereunder by distress and sale of the moveable property of the person from whom such amount is due or of his surety, or by any other process for the time being in force for the recovery of arrears of land-revenue due from landholders or from farmers of land or their sureties.

22. Any Excise officer may enter and inspect at any time by day or by night the shop or premises in which any manufacturer or vendor licensed under this law carries on the manufacture or sale of intoxicating drugs.

23. Any Excise officer may stop and detain any person carrying any intoxicating drug liable to confiscation under this law, and may seize such drug, together with any vessels, packages or coverings in which it is contained, and any animals and conveyances used in carrying it, and may also arrest the person in whose possession such drug is found.

24. Any Excise officer in the receipt of a monthly salary of not less than ten rupees, or who receives an annual remuneration equivalent to such salary, may arrest any person having in his possession any article liable to confiscation under this law or engaged in the unlawful sale of any intoxicating drug, and may seize such article or drug.

25. Whenever any Excise officer in receipt of such monthly salary or annual remuneration as aforesaid has reason to believe from information given by any person (which information shall be taken down in writing) that in any place any article liable to confiscation under this law is kept or concealed, such officer may, after sunrise and before sunset (but always in the presence of an officer of police not below the rank of head-constable, unless the Excise officer is himself such an officer of police), enter into such place, and in case of resistance, may break open any door and force

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

and remove any other obstacle to such entry, and may seize and carry away such article, and may also arrest the occupier of the place with all other persons concerned in the keeping and concealing of such article.

26. The Collector may issue his warrant for the arrest of any person whom he has reason to believe, either from information in writing or from the proceedings in any other case under this law or any other law, to be engaged in the unlawful sale of intoxicating drugs, or to have in his possession any article liable to confiscation under this law.

27. (1) The Collector may issue his warrant for the search of any place in which he has reason to believe, either from information in writing or from the proceeding in any other case under this law or any other law, that any intoxicating drug liable to confiscation under this law is kept or concealed.

(2) Such warrant may be executed by any Excise officer in the receipt of a monthly salary of not less than ten rupees at the time and in the manner prescribed in section 25.

(3) Whenever the Collector thinks that the search should be made after sunset and before sunrise on any particular day, he shall issue a warrant specially authorizing the search to be so made. Such warrant may be executed by any Excise officer as aforesaid in the manner prescribed in section 25, and shall cease to be in force at sunrise on the day next following.

28. Whenever an Excise officer arrests any person, or seizes any article liable to confiscation under this law, or enters any place for the purpose of searching for any such article, he shall, within twenty-four hours thereafter, make a full report of all the particulars of such arrest, seizure or search to his official superior; and, unless acting under the warrant of the Collector, shall take the person arrested or the article seized with all convenient despatch to the Magistrate for trial or adjudication.

29. Whenever any person is arrested or any article is seized under the warrant of a Collector issued under this law, the officer making such arrest or seizure shall, within twenty-four hours thereafter, take the person arrested or the article seized to the Collector; and the Collector, after such enquiry as he thinks necessary, shall send such person or article to the nearest Magistrate, or shall order the immediate discharge of such person or the release of such article.

30. All Police officers are required to aid the Excise officers in the due execution of this law upon request made by such Excise officers.

31. (1) The Resident may, from time to time, invest either by name or in virtue of his office,—

(a) any Police officer with the powers conferred on Excise officers by section 28 of this law;

(b) any Police officer in charge of a station or any Police officer of or above the grade of head-constable or sergeant with the powers conferred on Excise officers by sections 24 and 25 of this law.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

(2) Every officer so invested shall, for all purposes connected with the exercise of these powers, be deemed to be an Excise officer within the meaning of this law.

CHAPTER V.

PENALTIES.

For illegally cultivating hemp or collecting the spontaneous growth of hemp, or preparing, possessing, importing, exporting or transporting intoxicating drugs.

32. (1) Any person who, in contravention of any provision of Chapter II or any rule thereunder, or without payment of such duty (if any) as may for the time being be payable in pursuance of a Notification under section 4,—

- (a) cultivates hemp, or
- (b) collects the spontaneous growth of the hemp plant, or
- (c) prepares any intoxicating drug, or
- (d) possesses any intoxicating drug, or
- (e) imports, exports or transports any intoxicating drug,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

(2) Any intoxicating drug in respect of which an offence has been committed under this section, together with the vessels containing the same, and any animal and conveyances used in carrying it, shall be liable to confiscation.

33. Any person who, in contravention of section 12, sells any intoxicating drugs shall be punished with imprisonment for a term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

34. Any person licensed to sell retail intoxicating drugs, who permits drunkenness, riot or gaming in his shop, or permits persons of notoriously bad character to meet or remain therein, or receives any wearing apparel or other effects in barter for intoxicating drugs, shall be punished with fine which may extend to two hundred rupees.

35. Any person holding a license under this law and refusing to produce the same on the demand of any Excise officer, and any person who breaks any rule under this law, or any condition of a license granted under this law for the breach of which rule or condition no other penalty is hereby provided, shall be punished with fine which may extend to fifty rupees.

36. (1) Any owner or occupier of land, and any agent of any such owner or occupier, who authorizes or connives at the illegal manufacture of intoxicating drugs, shall for every such offence be punished with imprisonment for a

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b) Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*contd.***

term which may extend to four months, or with fine which may extend to one thousand rupees, or with both.

(2) Any person invested with local jurisdiction who authorises or connives at the illegal sale of any intoxicating drug within the local limits of such jurisdiction, shall be punished with fine which may extend to five hundred rupees.

37. Any Police officer who, without lawful excuse, neglects or refuses to aid an Excise officer as required by section 30, and any officer in charge of a police-station who, on application made by an Excise officer desiring to act under section 25, fails to attend a search himself, or to depute a subordinate officer of the required rank, shall be punished with fine which may extend to five hundred rupees.

For vexatious search, seizure or arrest.

38. Any Excise officer who,—

- (a) without reasonable ground of suspicion, searches, or causes to be searched, any place, or
- (b) vexatiously and unnecessarily seizes the moveable property of any person on the pretence of seizing or searching for any article liable to confiscation under this law, or,
- (c) vexatiously and unnecessarily arrests any person, or
- (d) commits any other excess not required for the execution of his duty,

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

39. Any Excise officer who, in contravention of section 28 or section 29, neglects to report the particulars of an arrest, seizure or search, or delays taking to the Magistrate or Collector, as the case may be, any person arrested or any article seized under this law, shall be punished with fine which may extend to two hundred rupees.

40. A Court shall not take cognizance of an offence punishable under any one of the following sections, namely, 32, 33, 35, and 36, except on the complaint or report of the Collector or an Excise officer; and a Court shall not take cognizance of any offence punishable under this law unless the prosecution is instituted before the expiry of six months next after the commission of such offence.

41. Whoever attempts to commit any offence punishable under this law or abets, within the meaning of the Indian Penal Code,¹ as applied to the Hyderabad Assigned Districts, the commission of any such offence shall be punished with the punishment provided for such offence.

42. Any article liable to confiscation under this law may, on the application of an Excise officer, be confiscated by the order of any Magistrate within the local limits of whose jurisdiction it is found.

¹ See now Notification No. 1811-I.B., dated the 1st July, 1898 (*supra*, p. 39.) in virtue of which the Penal Code (printed, General Acts, Vol. I, Ed. 1898, p. 240.) is now in force in Berar.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*Berar Hemp Drugs Law, 1897—*contd.*

CHAPTER VI.

MISCELLANEOUS.

43. (1) The Collector shall in all proceedings under this law be subject to the control of the Commissioner, Hyderabad Assigned Districts, and all orders passed by a Collector under this law shall be appealable to such Commissioner in manner provided by the rules for the time being in force relating to appeals from the orders of Collectors.

(2) The Resident may revise any order passed by a Collector under this law or by the Commissioner under this section.

44. The Resident may, from time to time, make rules consistent with this law—
Additional power for Resident to make rules.

- (a) as to the period for which any license or farm under this Law shall be granted ;
- (b) as to the fee payable for any such license or farm, and the time or times at which it shall be payable ;
- (c) as to the security to be given by any licensee or farmer under this law ;
- (d) as to the form of any license or farming lease and of the counterpart thereof (if any) to be taken from such licensee or farmer, and the conditions which may be inserted therein ;
- (e) as to the disposal of things confiscated under this law ;
- (f) as to the duties of Excise officers ; and
- (g) to provide generally for carrying out the provisions of this law.

45. The Resident may from time to time, by Notification in the Hyderabad Residency Orders, exempt within any specified local area any specified articles or any specified class of persons from all or any of the provisions of this law, and may, by like Notification, cancel any such exemption.

SCHEDULE.

[See section 1 (3) of this Law.]

Serial No. in the schedule.	Description of orders.	Extent of repeal.
1	Abkari rules for the Hyderabad Assigned Districts. [These rules were sanctioned by the Government of India in Financial Department letter No. 3541 of the 10th October, 1873.]	So much as relates to intoxicating drugs.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Hemp Drugs Law, 1897—*concl'd.*****SCHEDULE—*contd.***

Serial No. in the schedule.	Description of orders.	Extent of repeal.
2	Residency Orders Notification No. 109, dated the 11th January, 1875, published on page 29 of the Hyderabad Residency Orders of the 20th January, 1875, adding rule 49 to the Abkari Rules of the Hyderabad Assigned Districts. [This addition was made under the sanction contained in the Government of India, Financial Department, letter No. 7279 of the 23rd December, 1874.]	So much as relates to intoxicating drugs.
3	Residency Orders Notification No. 137, dated the 23rd May, 1893, published on page 88, Part I, of the Hyderabad Residency Orders of the 1st June, 1893, substituting a revised clause for the first clause of rule 1 of the Abkari Rules of the Hyderabad Assigned Districts. [This substitution was effected under the sanction contained in the Government of India, Financial Department, letter No. 2043-Ex. of the 13th May, 1893.]	
4	Residency Orders Notification No. 409, dated the 11th December 1895, published on page 327, Part I, of the Hyderabad Residency Orders, dated 15th December, 1895, making an amendment in rules 42 and 43 of the Abkari Rules of the Hyderabad Assigned Districts. [This amendment was made under the sanction contained in the Government of India, Financial Department, letter No. 5611-S.R., of the 3rd December, 1895.]	

[See *Gazette of India*, 1897, Pt. I, p. 1019.]**Berar Cotton and Grain Markets Law, 1897.**

No. 1727-I.B., dated the 6th May, 1897.—Whereas it has been customary in the Hyderabad Assigned Districts for the Government to open markets and bazars for the sale of agricultural produce, to arrange for the conservancy and management thereof, to levy fees therein, and to provide for the collection and disposal of the fees levied as aforesaid ;

And whereas it is expedient to continue the custom aforesaid ;

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :

CHAPTER III.—BERAR- *contd.***B.-British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Cotton and Grain Markets Law, 1897—*contd.***

1. (1) These orders may be called the Berar Cotton and Grain Markets Law, 1897, and are hereinafter referred to as "the law."
Title and commencement.
- (2) This law shall come into force at once.
2. The Resident may, by notification in the Hyderabad Residency Orders, declare that any place the property of the Government or of the public or of a Municipal Committee or District Board, is a market or bazar for the sale of agricultural produce generally, or for the sale of a particular class or classes of agricultural produce, and may from time to time amend, vary or rescind any such Notification.
Notification of markets and bazars.
3. (1) The Resident may, in respect of any market or bazar notified under section 2, make rules for—
Power to make rules for markets and bazars.
 - (a) the management of the market or bazar, the levy of fees therein, and subject to the provisions of section 4, the collection and disposal of such fees;
 - (b) the conditions under which licenses shall be issued to brokers, weighmen and measurers using the market or bazar, and the fees to be charged for such licenses;
 - (c) the place or places for weighment and measuring, the description of scales, weights and measures to be used, the periodical inspection, verification, and correction of such scales, weights and measures, and the seizure, and confiscation of such scales, weights and measures, if used in violation of such rules; and
 - (d) generally, the guidance of such committees or persons as may from time to time be appointed for the purpose of carrying out this law.
- (2) All rules under this section shall be published in the Hyderabad Residency Orders, and shall thereupon have the force of law.
- (3) In making any rule under this section, the Resident may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and, when the breach is a continuing breach, with fine which, in addition to such fine as aforesaid, may extend to five rupees for every day after the first during which the breach continues.
4. (1) All fees under the last foregoing section shall be levied at rates calculated so as to meet, as nearly as may be, the expenditure deemed necessary for the purposes hereinafter mentioned, and the collections therefrom shall be applied in the first instance to those purposes under the direction of the Resident and through such agency as the Resident may appoint in that behalf; that is to say—
 - (1) the maintenance and improvement of the market or bazar in which the fees are levied, its surroundings and approaches;
 - (2) the construction and repair of buildings, chabutras and other erections necessary for the purposes of such market or bazar; and
 - (3) the health, convenience and safety of the persons using such market or bazar.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—1. (b)-Special Local Laws—*contd.*****Berar Cotton and Grain Markets Law, 1897—*concl'd.***

(2) The surplus (if any) shall in the case of a market or bazar within municipal limits, be paid over to the Municipal Committee concerned for expenditure on the purposes specified in the Berar Municipal Law, 1886,¹ and, in the case of any other market or bazar, to the District Board concerned for expenditure on the purposes specified in the Berar Rural Boards Law, 1885.¹

5. (1) No trade allowances shall be recognized in any market or bazar notified under section 2, and no Civil Court shall, in any suit arising out of a transaction entered into in any such market or bazar have regard to any usage or trade custom or alleged usage or trade custom to the contrary.

Abolition of trade allowances.

(2) In every cotton market or bazar notified under section 2 all samples shall be paid for, and no Civil Court shall, in any suit arising out of a transaction entered into in such market or bazar, have regard to any usage or trade custom or alleged usage or trade custom to the contrary.

(3) In every transaction entered into in any cotton market or bazar notified under section 2 it shall be presumed that the parties intend that cotton shall be weighed in the sacking and that the seller guarantees that the sacking of each package shall not weigh more than ten pounds.

Explanation.—Every deduction, other than deductions on account of deviation from sample when the purchase is made by sample, or of deviation from standard when the purchase is made by reference to a known standard, or on account of a difference between the actual weight of the sacking and the standard weight, or on account of the admixture of foreign matter, shall be regarded as a trade allowance for the purposes of this law.

6. (1) When the Resident has, by Notification under section 2, declared any place to be a market or bazar for the sale of agricultural produce generally, or for the sale of any particular class or classes of agricultural produce, no new market or bazar shall, except with the sanction in writing of the Resident and subject to such conditions as the Resident may think fit to impose, be established for the like purpose within five miles of the market or bazar notified as aforesaid.

Prohibition of unauthorized markets and bazars.

(2) Whoever establishes a market or bazar in contravention of this section, or violates the conditions under which he is authorized to establish a market or bazar under this section, shall be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with fine which, in addition to such fine as aforesaid, may extend to five rupees for each day after the first during which the breach continues.

7. Fees leviable in pursuance of any rules under this law may be realized as fines under the orders of any Magistrate.

Recovery of fees.

8. The Bazar Cess, the levy of which was authorized by the Notification of the Government of India in the Department of Revenue, Agriculture and Commerce,² No. 11, dated the 27th January, 1875, shall cease to be levied in any market or bazar notified under section 2.

Abolition of existing Bazar Cess in markets or bazars notified under section 2.

[See *Gazette of India*, 1897, Pt. I, p. 322.]

¹ Printed *supra*, p. 156.

² Printed *supra*, p. 147.

CHAPTER III.—BERAR—*contd.**B—British-Berar Enactments.*

2.-(a) LOCAL RULES AND ORDERS MADE UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.

Act.	Section.	Subject of Rules or Notification	Reference.
Lunatic Asylums Act, 1858 (XXXVI of 1858).	2	Rules for the management of Lunatic Asylums in the Hyderabad Assigned Districts.	[Supplement to <i>Hyderabad Residency Orders</i> , 2nd April, 1877.]
Ditto . . .	"	Appointing, with reference to the above Rules, the Sanitary Commissioner of the Districts to be an <i>ex-officio</i> visitor of the Lunatic Asylum at Amraoti.	No. 146, dated the 8th February, 1878. [<i>Hyderabad Residency Orders</i> , 1878, page 83.]
Police Act, 1861 (V of 1861).	§4	Declaring the provisions of the section to be applicable to the town of Nandura, in the Malkapur Taluq of the Buldana District.	No. 11, dated 22nd January, 1884. [<i>Hyderabad Residency Orders</i> , 1884, Pt. I, page 15.]
Ditto . . .	"	Extending the provisions of the section to the town of Chandur, in the Ellichpur District.	No. 108, dated 6th June, 1884. [<i>Hyderabad Residency Orders</i> , 1884, Pt. I, page 82.] [See also Notification No. 5618, dated 17th October, 1867, in <i>Gazette of India</i> , 1867, page 1436.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Daryapur, Ellichpur District.	No. 560, dated 4th September, 1869. [<i>Hyderabad Residency Orders</i> , 1868, page 532.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Badnera, in the Amraoti District.	No. 722-P., dated 18th December, 1868. [Printed <i>infra</i> , p. 357.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Shegaon, in the Akola District.	No. 122-P., dated 15th February, 1870. [Printed <i>infra</i> , p. 357.]
Ditto . . .	"	Declaring the provisions of the section applicable to the towns of Amjangaon and Soorjee, in the Ellichpur District.	No. 250, dated 26th April, 1871. [<i>Hyderabad Residency Orders</i> , 5th May, 1871.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Risod, in the Basim District.	No. 113, dated 18th April, 1873. [<i>Hyderabad Residency Orders</i> , 1873, page 205.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Digras, in the Wun District.	No. 58, dated 13th July, 1880 [<i>Hyderabad Residency Orders</i> , 1880, page 166.]
Ditto . . .	"	Declaring the provisions of the section applicable to the village of Mubarakpur near Murtazapur, in the Amraoti District.	No. 69, dated 28th July, 1880. [<i>Hyderabad Residency Orders</i> , 1880, page 188.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Deulgaon Raja, in the Chikli taluq of the Buldana District, during the fair and to the site of the fair.	No. 115, dated 6th October, 1880. [<i>Hyderabad Residency Orders</i> , 1880, page 289.] No. 117, dated 15th September, 1881. [<i>Hyderabad Residency Orders</i> , 1881, Pt. I, page 200.]

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS MADE UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section	Subject of Rules or Notification.	Reference.
Police Act, 1861 (V of 1861)— <i>contd.</i>	34	Declaring the provisions of the section applicable to the town of Deulgaon Raja within certain limits other than those specified in Notification No 117, dated 15th September, 1881, and so as not to affect that Notification.	No. 47, dated 28th March, 1883. [Hyderabad Residency Orders, 1883, Pt. I, page 43.]
Ditto . . .	"	Declaring the provisions of the section applicable to the town of Warud in the Morsi taluq of the Amraoti District.	No. 126, dated 27th October, 1880. [Hyderabad Residency Orders, 1880, page 308.]
Ditto . . .	"	Declaring the provisions of the section applicable to the Amraoti Camp Municipality.	No. 172, dated the 11th July, 1889. [Hyderabad Residency Orders, 1889, Pt. I, p. 132.]
Mufassal Courts of Small Causes Act, 1867 (XI of 1867). ¹	3	Constituting a Court of Small Causes at Akola, and declaring the territorial limits of its jurisdiction to be limits of the Akola taluq.	No. 200-J, dated 25th September, 1873. [Printed <i>infra</i> , p. 357.]
Ditto . . .	"	Territorial jurisdiction of the Judge of the Small Cause Court at Akola.	No. 73, dated 25th June, 1879. No. 70, dated 5th April, 1884. [Hyderabad Residency Orders, 1884, page 52.]
Ditto . . .	"	Extending the territorial limits of the jurisdiction of the Small Cause Court at Akola.	No. 11, dated 15th April, 1874. [Hyderabad Residency Orders, 1874, page 217.]
Ditto . . .	"	Constituting a Court of Small Causes at Amraoti.	No. 33, dated 12th February, 1867. [Gazette of India, page 174.]
Ditto . . .	"	Extending the territorial limits of the jurisdiction of the Small Cause Court at Amraoti.	No. 54, dated 14th April, 1885. [Hyderabad Residency Orders, 1885, Pt. I, page 52.]
Ditto . . .	"	Modifying the above Notification .	No. 203, dated 21st October, 1887. [Hyderabad Residency Orders, 1887, Pt. I, page 135.]
Ditto . . .	"	Constituting a Small Cause Court in the town of Khamgaon.	No. 223, dated 12th August, 1868. [Hyderabad Residency Orders, 1868, page 494.]
Ditto . . .	"	Extending the territorial limits of the jurisdiction of the Small Cause Court at Khamgaon.	No. 12, dated 15th April, 1891. [Hyderabad Residency Orders, 1874, page 218.]
Printing Presses and Books Act, 1867 (XXV of 1867).	20	Rules by the Resident for carrying out the objects of the Act.	No. 138, dated 30th April, 1891. [See Hyderabad Residency Orders, 1891, Pt I, p. 84.]
Ditto . . .	21	Notification exempting from the operation of the Act all papers published under Government orders.	No. 1294-P., dated the 12th March, 1868. [Printed <i>infra</i> , p. 357.]

¹ This Act has been repealed in Berar by the Hyderabad Assigned Districts Small Cause Courts Law, 1889, printed *supra*, p. 86, but these Notifications are kept in force by section 2 (b) of that law.

² The Act was declared applicable to these Districts, and a Judge appointed to the Small Cause Court at Amraoti by this Notification. So far as the extension of the Act is concerned, the Notification has been superseded by Notification No. 212-J., dated 24th October, 1873, printed *supra*, p. 95.

CHAPTER III.—BERAR—*contd.**B.-British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Printing Presses and Books Act, 1867 (XXV of 1867)— <i>contd.</i>	21	Exempting all books that become the property of Government for educational purposes from the operation of section 18.	No. 4823, dated 21st October, 1869. [Hyderabad Residency Orders, 20th November, 1869, page 485.]
Ditto . . .	„	Exempting certain publications from the provisions of the Act.	No. 5604, dated 21st December, 1871. [Hyderabad Residency Orders, 20th January, 1872, page 32.]
Prisoners' Testimony Act, 1869 (XV of 1869).	10 & 18	Rules for giving effect to the provisions of the Act in the Hyderabad Assigned Districts.	No. 1814-J, dated 15th December, 1869. [Printed <i>infra</i> , p. 357.]
Court-fees Act, 1870 (VII of 1870). ¹	20 (1)	Rules as to fees chargeable for serving and executing processes issued by the Court of the Judicial Commissioner and by all Civil Courts subordinate to it in these Districts	No. 200, dated the 15th January, 1892, as amended by No. 348, dated the 15th November, 1892. [See Hyderabad Residency Orders, 1892, Pt. I, pp. 131 and 221, respectively.]
Ditto . . .	26	Rules regarding the use of bi-colour and adhesive stamps for Court-fee purposes.	No. 1756, dated 8th March 1872. [Hyderabad Residency Orders, 20th April, 1872, page 229.]
Ditto . . .	„	Levy of Court-fee by adhesive and impressed stamps.	No. 361, ² dated 18th April, 1883. [Gazette of India, 1883, Pt. I, page 129.]
Ditto . . .	„	Directing that the preceding Notification shall take effect in the Hyderabad Assigned Districts on and after the 1st July, 1884.	No. 216, dated 11th April, 1884. [Printed <i>infra</i> , p. 358.]
Ditto . . .	„	Applying Finance and Commerce Department Notification No. 1522, dated the 20th March, 1885, to the Hyderabad Assigned Districts, with effect from the 1st April, 1885.	No. 1016-I, dated the 26th March, 1890. [Printed <i>infra</i> , p. 359.]
Ditto . . .	„	Applying the provisions of Finance Department Notification No. 1494-S.R., dated the 29th March, 1895, with certain modifications.	No. 1882-I, dated the 11th June, 1895. [Printed <i>infra</i> , p. 359.]
Ditto . . .	27	Adopting for the Hyderabad Assigned Districts the Rules attached to the Resolution by the Government of India, Financial Department, No. 1596, dated 28th June, 1886, regarding the custody, supply and sale of General and Court-fee stamps.	No. 71, dated 20th April, 1887. [Hyderabad Residency Orders, 1887, Supplement, page 81.]

¹ The Act is now in force in Berar in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.² Paragraph III of this Notification is repealed by Notification No. 1015-I., dated the 26th March, 1890, printed *infra*, p. 359, and paragraph I by Notification No. 1494-S.R., dated the 29th March, 1895, which was applied by Notification No. 1882-I., dated the 11th June, 1895, printed *infra*, p. 359.

CHAPTER III.—BERAR—*contd.**B—British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Court Fees Act, 1870 (VII of 1870).	27	Rules regarding vendors of Court-fee stamps, the renewal of damaged stamps and the keeping of accounts of all stamps.	No. 72, dated 20th April, 1887. [Hyderabad Residency Order 1887, Supplement, page 86.] No. 107, dated 15th June, 1887, amended by No. 349, dated 15th November, 1892. [Hyderabad Residency Orders 1887 and 1892, Pt. I, pp. 71 and 2, respectively.]
Ditto . . .	„	Additional Rule, No. XVIII A, added to the above.	No. 58, dated 21st April, 1888. [Hyderabad Residency Order, 1888, Pt. I, p. 57.]
Ditto . . .	„	Substituting new rules for No. XXIII of above rules.	No. 273, dated 15th September, 189 [Hyderabad Residency Orders Pt. I, p. 187.]
Ditto . . .	„	Appointment of tahsildars, excepting those at District Head-quarters, as <i>ex-officio</i> vendors of Court-fee stamps.	Book Circular No. XXX of 1877.
Ditto . . .	35	Declaring Financial Department Notification No. 4650, dated the 10th September, 1889, under the Act, to apply with certain modifications to the Hyderabad Assigned Districts.	No. 1015-I, dated the 26th March 1894. [Printed <i>infra</i> , p. 359.]
Ditto . . .	„	Applying Financial Department Notification No. 4344-S.R., dated 6th October, 1893, in supersession of clause 6, heading A, of Notification No. 4650, dated 10th September, 1889, as applied by Notification No. 1015-I, dated the 26th March, 1890.	No. 1300-I, dated the 18th April, 1894. [Printed <i>infra</i> , p. 360.]
Ditto . . .	„	Directing that no Court-fee shall be charged on application for the repayment of a fine or portion of a fine, the refund of which has been ordered by competent authority.	No. 2991-I.B., dated the 25th September, 1896. [Printed <i>infra</i> , p. 360.]
Cattle Trespass Act .	5 (1)	Levy of fines on cattle impounded within the Ellichpur Civil Station Municipality.	No. 290, dated the 12th August, 1895. [Hyderabad Residency Orders, 1895, Pt. I, p. 220.]
Prisoners Act, 1871 (V of 1871).	19	Declaring that the provisions of the Act apply to breaches of any of the provisions of the sections of the Indian Penal Code mentioned in Schedule II of Act XI of 1872.	No. 153, dated the 12th August, 1872. [Hyderabad Residency Orders, 1872, p. 561.]
Ditto . . .	31 (2)	Directing that for the purposes of section 31 (2), as amended by Act X of 1886, the Nagpur Jail shall be deemed to be a prison within the territories subject to the Resident at Hyderabad.	No. 3723-I, dated the 20th September, 1889. [Printed <i>infra</i> , p. 361.]

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED —*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Prisoners Act, 1871 (V of 1871).	¹ 33	Appointing the Central Jail at Akola, with effect from the 1st January, 1883, to be a place to which prisoners sentenced in the Hyderabad Assigned Districts to transportation shall be sent.	No. 3360-I., dated the 17th September, 1886. [Printed <i>infra</i> , p. 361.]
Pensions Act, 1871 (XXIII of 1871).	14	Rules by the Resident respecting the payment of pensions.	No. 153-A., dated the 1st March, 1878, Book Circular No. LI of 1878. [Hyderabad Residency Orders, 1878, p. 121.]
Ditto . . .	„	Amendment to Rule V of above .	No. 125, dated the 21st April, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 81.]
Ditto . . .	„	New rule to be substituted for No. II of the abovementioned Rules.	Dated the 24th August, 1880. [Book Circular No. XLII of 1880.]
Ditto . . .	„	Addition to Rule 18 of above rules	Resident's Book Circular No. IV, dated the 5th June, 1896.
Indian Christian Marriage Act, 1872 (XV of 1872).	62	Prescribing forms and declaring the intervals at which authenticated extracts should be deposited with the Registrar-General.	No. 31, dated the 26th January, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 23.]
Ditto . . .	62, 82 & 85	Prescribing rules under the Act and rates of fees to be levied under it, and declaring that the Judicial Commissioner, Hyderabad Assigned Districts, shall be the District Judge for the purposes of the Act.	No. 7, dated the 17th April, 1877. [Hyderabad Residency Orders, 1877, Pt. I, p. 281.]
² Inland Customs Act, 1875 (VIII of 1875).	10 & 28	Rules and rates of duty . . .	No. 41-R., dated the 11th May, 1877. [Printed <i>supra</i> , p. 102.]
Ditto . . .	„	Substitution of new rule for rule 25 of above rules.	Resident's Registration Book Circular No. V, dated 8th February, 1899.
Indian Registration Act, 1877 (III of 1877).	13 & 36	³ Declaring every Revenue District to be a "district," and every Taluq to be a "Sub-District" for the purposes of the Act; fixing the remuneration of Sub-Registrars; and giving orders as to the reporting of appointments by the Inspector-General and the issuing of summonses under the Act.	No. 325, dated the 15th September 1871. [Hyderabad Residency Orders, 1871, p. 509.]

¹ As amended by Act IX of 1892.² This Act has been repealed in British India by the Salt Act, 1882 (XII of 1882).³ The other notifications forming sub-districts under the Act have been omitted as being not only too numerous and of very limited interest, but also because the districts so formed are being constantly enlarged, diminished, or otherwise altered.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.***2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH INDIAN ENACTMENTS LOCALLY APPLIED - *contd.***

Act.	Section	Subject of Rules or Notification.	Reference.
Indian Registration Act, 1877 (III of 1877).	69	Revised Rules framed under the Act by the Inspector-General of Registration.	No. 190, dated the 15th October, 1883; No. 55, dated the 19th March, 1884; No. 160, dated the 24th July, 1884; No. 244, dated the 3rd December, 1884; No. 257, dated the 18th December, 1884; and No. 7, dated the 19th January, 1885. [<i>Hyderabad Residency Orders</i> 1883, p. 127; <i>ibid</i> , 1884, p. 45; <i>ibid</i> , 1884, p. 105; <i>ibid</i> , 1884, p. 163; <i>ibid</i> , 1885, p. 47; <i>ibid</i> , 1885, p. 16, <i>ibid</i> , 1889, Supplement, respectively]
Ditto . . .	"	Directing the addition of a Note to Appendix XV of the Registration Rules.	No. 223, dated the 18th December, 1885 [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 3.]
Ditto . . .	"	Amendment of Rules published with Notification No. 190, dated the 15th October, 1883, Appendix XVII (d).	No. 137 dated the 3rd July, 1886. [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 103.]
Ditto . . .	"	Amendment of Rule 43 of the Rules published with the Notification referred to in the preceding entry.	No. 43, dated the 12th March, 1887. [<i>Hyderabad Residency Orders</i> , 1887, Pt. I, p. 30.]
Ditto . . .	"	Amending Rules 75, 76, 96, and Appendix XX of the rules published with Resident's Notification No. 190, dated the 15th October 1883.	No. 228, dated the 1st August, 1893. No. 299, dated the 2nd October, 1893. [<i>Hyderabad Residency Orders</i> , 1893, Pt. I, pp. 151 and 194, respectively]
Ditto . . .	"	Addition of a new Rule 125A, and of an Appendix No. XXII thereto, to rules published under Notification No. 190, dated the 15th October 1883.	No. 17, dated the 20th January, 1897. [<i>Hyderabad Residency Orders</i> , 1897, Pt. I, p. 26.]
Ditto . . .	"	Amending Rules 60 to 76 and 81, 83 and Appendix VI of the same Rules, 1883.	No. 36, dated the 22nd February, 1889, and No. 139, dated the 17th June, 1889. [<i>Hyderabad Residency Orders</i> , 1889, Supplement, p. 17 and Pt. I, p. 121, respectively.]
Ditto . . .	"	Amending the Preamble to Appendix XVII, Form D, and lines 3 and 4 of that form in the same Rules.	No. 170, dated the 10th July, 1889. [<i>Hyderabad Residency Orders</i> , 1889, Pt. I, p. 132.]
Ditto . . .	"	Making an addition to Rule 15 of the same Rules and amending 61, 152, etc.	No. 64, dated the 23rd February, 1891, and No. 150, dated the 16th May, 1891. [<i>Hyderabad Residency Orders</i> , 1891, Pt. I, pp. 37 and 111, respectively]
Ditto . . .	"	Amending Rule 38 (clause 9) of the same Rules.	No. 218, dated the 28th July, 1891. [<i>Hyderabad Residency Orders</i> , 1891, Pt. I, p. 144.]

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Indian Registration Act, 1877 (III of 1877)— <i>contd.</i>	69	Substituting a new rule for rule 14 ⁸ of the rules published under Resident's Notification No. 190, 1 dated the 15th October, 1883, and amending Rule 10.	No. 233, dated the 19th August, 1891. [<i>Hyderabad Residency Orders</i> , 1891, Pt. I, p. 161.]
Ditto . . .	"	Adding a new rule (129A) to the same Rules.	No. 414, dated the 22nd November, 1894. [<i>Hyderabad Residency Orders</i> , 1894, Pt. I, p. 325.]
Ditto . . .	"	Adding a new rule (35A) by the Inspector-General of Registration, Hyderabad Assigned Districts, to the same rules.	No. 409, dated the 22nd November, 1894. [<i>Hyderabad Residency Orders</i> , 1894, Pt. I, p. 324.]
Ditto . . .	"	Alteration in Rule 13 of the same Rules.	No. 410, dated the 22nd November, 1894. [<i>Hyderabad Residency Orders</i> , 1894, Pt. I, p. 325.]
Ditto . . .	"	Changing the date for the coming into force of the table of Registration Fees referred to below.	No. 163, dated the 28th July, 1886. [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 110.]
Ditto . . .	78	Revised table of Registration Fees for the Hyderabad Assigned Districts.	No. 113, dated the 1st June, 1886 [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 79.] Resident's Book Circular No. XIV of 1886.]
Ditto . . .	"	Amendment of Article XI of the above.	No. 6, dated the 14th January, 1893 and No. 124, dated the 3rd May, 1893. [<i>Hyderabad Residency Orders</i> , 1893, Pt. I, pp. 22 and 78, respectively.]
Ditto . . .	"	Correcting an error in Article XIV of the above Table.	No. 264, dated the 30th November, 1886. [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 169.]
Ditto . . .	"	Amendment of Article XV of the above Table.	No. 86, dated the 2nd May, 1887 [<i>Hyderabad Residency Orders</i> , 1887, Pt. I, p. 58.]
Ditto . . .	"	Making an addition to the Note under Article XIV of the above Table.	No. 202, dated the 21st October 1887. [<i>Hyderabad Residency Orders</i> , 1887, Pt. I, p. 134.]
Ditto . . .	"	Making an addition of certain words to Note (a), clause (6), Article I of the above Table.	Sanctioned by the Government of India in the letter from the Home Department, No. 3045 P., dated the 28th November, 1888. [Published in <i>Hyderabad Residency Orders</i> , 1888, Pt. I, p. 188.]

² Noted *supra*, p. 334.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Opium Act, 1878 (I of 1878).	5 & 13	Rules for the Hyderabad Assigned Districts under the Act.	No. 308A., dated the 23rd September, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 341.]
Ditto . . .	„	Repealing Part of Rule 14 (b) of the above rule.	No. 190, dated the 20th April, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 147.]
Ditto . . .	„	Form of licenses, permits and passes for vend, import and transport of opium and poppy heads.	Resident's Book Circular No. IV, dated the 13th February, 1899.
Ditto . . .	„	Substituting a new License Form A for the existing form attached to the rules, published under Notification No. 114-A, dated the 21st August 1879.	Resident's Circular Memorandum No. 3719, dated the 6th November, 1898.
Ditto . . .	9	Rate of duty on Malwa opium imported into the Hyderabad Assigned Districts.	No. 329-I.B., dated the 27th March, 1880. [Printed, <i>infra</i> , p. 361.]
Sea Customs Act, 1878 (VIII of 1878).	19	Prohibits the import of copper or bronze coin of the Baroda State into the Districts, except such quantity not exceeding a rupee in value as is brought in by a traveller in good faith for his own use	No. 1331-I., dated the 20th April, 1893. [Printed <i>infra</i> , p. 361.]
Indian Arms Act, 1878 (XI of 1878).	3	Extending the operation of the Act to sulphur exceeding 10 seers.	No. 1879-I., dated the 1st June, 1894. [Printed <i>infra</i> , p. 362.]
Ditto . . .	8	Declaring that after 1st April, 1895, no unlicensed person shall have any cannon, fire-arms or any ammunition or military stores under his control.	No. 290, dated the 31st July, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 221.]
Ditto . . .	„	Investing all forest-officers of and above the grade of Foresters in the Wun District with power to disarm persons going armed without a license in State forests in their charge.	No. 260, dated the 27th September, 1897. [Hyderabad Residency Orders, 1897, Pt. I, p. 191.]
Ditto . . .	11	Applying the British-Indian Rules regarding the transport, import, export, manufacture and sale of arms.	No. 1878-I., dated the 1st June, 1894, as amended by No. 208-I., dated the 5th January, 1896, and No. 2820-I.B., dated the 29th September, 1899. [Printed <i>infra</i> , p. 362.]
Ditto . . .	17	¹ Authorizing District Superintendents of Police in the Hyderabad Assigned Districts, for the time being, to inspect the books of licensed manufacturers or dealers in Arms, etc	No. 197-G., dated the 18th September, 1874. [Hyderabad Residency Orders, 1874, p. 547.]

¹ This order issued under s. 14 of the Arms Act, 1880 (XXI of 1880), and is kept in force by s. 2 of Act XI of 1878 as applied to Berar by Notification No. 1875-L., dated the 1st June, 1894, printed *supra* p. 107.

CHAPTER III.—BERAR—*contd.**B.—British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act	Section.	Subject of Rules or Notification.	Reference
Indian Arms Act, 1878 (XI of 1878).	21	Exempting Extra Assistant Conservators, being natives of India, from prohibitions and directions in sections 8 to 10.	No. 108, dated the 2nd April, 1895. [Hyderabad Residency Orders, 1895, Pt. I, p. 84.]
Ditto . . .	„	Exempting Forest Rangers and Foresters, being natives of India, and when in charge of a forest-range, from all prohibitions and directions in sections 8, 10.	No. 115, dated the 26th April, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 151.]
Ditto . . .	„	Exempting certain weapons from the Act.	No. 1876-I, dated the 1st June, 1894, as amended by No. 208-I, dated the 15th January, 1896. [Printed <i>infra</i> , p. 385.]
Ditto . . .	„	List of persons exempted from the operation of sections 8 to 10 except as regards capnon, etc.	No. 1877-I, dated the 1st June, 1894, as amended by No. 208-I, dated the 15th January, 1896; No. 3248-I. B., dated the 26th August, 1897; and No. 2395-I.B., dated the 1st September, 1898. [Printed <i>infra</i> , p. 385.]
Destruction of Records Act, 1879 (III of 1879).	2	Rules for destruction of useless records and registers in Civil and Criminal Courts subordinate to the Resident's Court.	Government of India letter No. 1409, dated the 24th October, 1881. Book Circular No. XV of 1881.
Ditto . . .	„	Addition of Rule (II)a to above Rules.	Resident's Book Circular No. XII of 1883.
Indian Railways Act, 1879 (IV of 1879).	53	¹ Declaring that the Resident at Hyderabad shall be deemed, for the purposes of the Act, to be the Local Government in respect of such portions of railways as are situate within the Hyderabad Assigned Districts.	No. 192-I. J., dated the 25th July, 1879. [Gazette of India, 1897, Pt. I, p. 509.]
Glanders and Farcy Act, 1879 (XX of 1879). ²	4	Applies the Act to the whole of the Assigned Districts, except s. 10.	No. 295, dated the 8th November, 1897. [Hyderabad Residency Orders, 1897, Pt. I, p. 228.]
Ditto . . .	14	Rules under the Act . . .	No. 297, dated the 8th November, 1897. [Hyderabad Residency Orders, 1897, Pt. I, p. 228.]
Vaccination Act, 1880 (XIII of 1880).	8	Rules regulating vaccine operations in certain municipalities.	No. 296, dated the 8th August, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 227.]

¹ This notification, though not actually repealed, is apparently superseded by Notification No. 1332-I, dated the 23rd March, 1891, printed *supra*, p. 120.

² Repealed in British India by the Glanders and Farcy Act, 1899 (XIII of 1899).

CHAPTER III.—BERAR—*contd.**B.—British-Indian Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act	Section	Subject of Rules or Notification	Reference.
Probate and Administration Act, 1881 (V of 1881).	2 (proviso 2)	Authorizing Courts of Deputy Commissioners as District Judges in the Hyderabad Assigned Districts to receive applications for probate or letters of administration.	No. 240, dated the 17th July 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 139.]
Indian Factories Act, 1881 (XV of 1881).	3	Appointing (a) all Tahsildars and Special Magistrates and (b) all Assistant Commissioners and all Extra Assistant Commissioners and the Civil Surgeons of certain districts to be Inspectors of Factories within certain limits.	No. 338, dated the 3rd October, 1895, and No. 102, dated 27th March, 1897. [Hyderabad Residency Orders, 1895 and 1897, Pt. I, pp. 286 and 65, respectively.]
Ditto . . .	9.13 and 18(1)	Rules under the Act . . .	No. 184, dated the 21st May, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 134.]
Ditto . . .	18	General rules for the Hyderabad Assigned Districts under the Act.	No. 40, dated the 29th February, 1884. [Hyderabad Residency Orders, 1884, p. 31.]
Ditto . . .	18 (2)	Submission of certain returns by owners or occupiers of factories on certain dates.	No. 1389-I, dated the 25th April, 1893. [Printed <i>infra</i> , p. 390.]
Indian Companies Act, 1882 (VI of 1882).	Part V	Rules sanctioned by the Resident	[Hyderabad Residency Orders, Supplement, 1885, p. 11.]
Ditto . . .	„	Additional Rules authorizing prosecutions for default by Companies in respect of supplying Registrar with returns, etc.	No. 17, dated the 21st January, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 17.]
Code of Civil Procedure (Act XIV of 1882).	10	Rules for the conduct of suits in which the Government may be a party.	Resident's Book (General) Circular No. III of 1890. Government of India (Home Department) Letter No. 575, dated the 4th May, 1869.
Ditto . . .	37	² Declaring who are to be the recognized agents of parties by whom the appearances, applications and acts referred to in section 36 of the Code may be made and done in Civil Courts.	No. 242, dated the 27th August, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 162.]
Ditto . . .	140	² Documents produced by parties at the first hearing to be accompanied by an accurate list in form specified.	No. 91, dated the 12th August, 1878. [Hyderabad Residency Orders, 1878, p. 412.]
Ditto . . .	160	Scale of expenses for witnesses summoned to attend Civil Courts.	No. 235, dated the 1st December, 1887. [Hyderabad Residency Orders, 1887, p. 571.]
Ditto . . .	269	² Rules for the maintenance and custody of live stock and other property while under attachment.	No. 87, dated the 12th August, 1878. [Hyderabad Residency Orders, 1878, p. 410.]
Ditto . . .	287	² Rules for the execution of decrees by the sale of property.	No. 93, dated the 12th August, 1878. [Hyderabad Residency Orders, 1878, p. 413.]

¹ As amended by Act XI of 1891.These notifications and rules, which were issued under Act X of 1877, are kept in force by s. 8 of Act XIV of 1892. They were also renewed by Resident's Notification No. 137, dated the 5th July, 1893, see *Hyderabad Residency Orders*, 1893, Pt. I, p. 99.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Code of Civil Procedure (Act XIV of 1882)— <i>concl'd.</i>	320	Rules for the transmission and execution of decrees in supersession of Book Circular No. XI of 1887.	Resident's Book Circular No. 11 (Judicial) of 1892.
Ditto . . .	320 & 322	Transmission to Deputy Commissioners of decrees directing sale of interest in land used for agricultural purposes.	No. 122, dated the 19th September, 1878. [<i>Hyderabad Residency Orders</i> , 1878, Pt. I, p. 490.]
Ditto . . .	336	¹ Directing Courts to inform judgment-debtors that they may apply under Chapter XX to be declared insolvent.	No. 88, dated the 12th August, 1878. [<i>Hyderabad Residency Orders</i> , 1878, p. 411.]
Ditto . . .	338	¹ Rules prescribing the scale of monthly allowances payable for the subsistence of judgment-debtors.	No. 89, dated the 12th August, 1878. [<i>Hyderabad Residency Orders</i> , 1878, p. 411.]
Ditto . . .	392	¹ Rule as to the issue of commissions for local investigations.	No. 90, dated the 12th August, 1878. [<i>Hyderabad Residency Orders</i> , 1878, p. 411.]
Ditto . . .	539	Investing Deputy Commissioners in the Hyderabad Assigned Districts with the powers conferred on the Advocate-General by section 539 within the limits of the districts in which their Courts are situate.	No. 373, dated the 15th December, 1893. [<i>Hyderabad Residency Orders</i> , 1894, Pt. I, p. 1.]
Ditto . . .	612	Rules regarding the admission of appeals to Her Majesty in Council.	No. 275, dated the 30th June, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 221.]
Land Improvement Loans Act, 1883 (XIX of 1883).	10	Rules under the section.	No. 8, dated the 9th January, 1886. [<i>Hyderabad Residency Orders</i> , Extraordinary, 9th January, 1886, p. 1.]
Ditto . . .	...	Table of instalments and interest thereon referred to in rule 10 of the above rules.	No. 43, dated the 13th March, 1886. [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 33.]
Ditto . . .	11, proviso, clause (1).	Rules as to assessment of land-revenue on land reclaimed with the aid of a loan under the Act.	No. 413, dated the 23rd November, 1894. [<i>Hyderabad Residency Orders</i> , 1894, Pt. I, p. 325.]
Indian Explosives Act, 1884 (IV of 1884).	5 and 7	Rules to regulate the transport and import of explosives.	No. 154, dated the 19th May, 1897. [<i>Hyderabad Residency Orders</i> , 1897, Supplement, p. 91.]

¹ These notifications and rules, which were issued under Act X of 1877, are kept in force by s. 3 of Act XIV of 1882. They were also renewed by Resident's Notification No. 137, dated the 5th July, 1893, see *Hyderabad Residency Orders*, 1893, Pt. I, p. 93.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Notification.
Indian Explosives Act, 1884 (IV of 1884)— <i>corcl.</i>	5	Substitution of a new rule for Rule 34 of the above Rules.	No. 26, dated the 15th May, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 110.]
Ditto . . .	5 and 7	Substituting a new rule for rule 15 of the above.	No. 56, dated the 25th November 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 418.]
Ditto . . .	„	Substitution of a new rule for Rule 6-XIX of above.	No. 28, dated the 21st May 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 111.]
Ditto . . .	„	Rules to regulate the manufacture, possession and sale of explosives.	No. 155, dated the 19th May, 1897. [Hyderabad Residency Orders, 1897 Supplement, p. 102.]
Ditto . . .	„	Substitution of new rules for rules 27 and 37 of the above.	No. 54, dated the 3rd August, 1899. [Hyderabad Residency Orders, 1899 Pt. I, p. 259.] No. 331, dated the 13th October 1898. [Hyderabad Residency Orders 1898, Pt. I, p. 357.]
Ditto . . .	7	Conferring certain powers on the Chief Inspector of Explosives with the Government of India.	No. 23, dated the 31st May, 1899. [Hyderabad Residency Orders 1899, Pt. I, p. 187.]
Agriculturists' Loans Act, 1884 (XII of 1884).	4	Rules under the section.	No. 266, dated the 31st August, 1892 [Hyderabad Residency Orders 1892, Pt. I, p. 178.]
Indian Telegraph Act, 1885 (XIII of 1885)	...	Adopting the rules in force in British India from time to time for the Hyderabad Assigned Districts.	No. 1249-I, dated the 19th March 1891. [Printed <i>infra</i> , p. 392.]
Petroleum Act, 1886 (XII of 1886). ¹	Schedule, paragraph 1 (9).	Appointing the Meteorological Office at Bombay to be the Meteorological Office referred to in paragraph 1 (9) of the Schedule.	No. 36, dated the 6th February 1897. [Hyderabad Residency Orders, 1897 Pt. I, p. 32.]
Ditto . . .	12	Appointing certain officers <i>ex-officio</i> to perform the duties mentioned in sections 12, 13 and 14.	No. 1, dated the 7th January, 1897. [Hyderabad Residency Orders 1897, Pt. I, p. 15.]
Lunatic Asylums Act, 1886 (XVIII of 1886).	1 (3)	Rules as to the place of detention, and the cure and treatment of supposed lunatics detained under the section.	No. 275, dated the 18th August, 1890 [Hyderabad Residency Orders 1890, Pt. I, p. 162.]
Ditto . . .	„	Amending the preamble to above notification.	No. 304, dated the 16th September 1890. [Hyderabad Residency Orders, 1890 Pt. I, p. 176.]

¹ This Act was repealed in British India by Act VIII of 1899.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference
Suits Valuation Act, 1887 (VII of 1887).	2	Extends Part I of the Act to the Hyderabad Assigned Districts and brings it into operation therein.	No. 4503-I., dated the 9th November, 1891. [Printed <i>infra</i> , p. 392]
Ditto . . .	3	Rules for determining the value of land for purposes of jurisdiction.	No. 304, dated the 3rd December, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 215.]
Merchandise Marks Act, 1889 (IV of 1889).	16	Directing that Criminal Courts shall observe certain instructions in giving effect to the provisions of the Act in respect of trade descriptions of quantity, measure or weight of goods specified in the instructions.	No. 37, dated the 28th January, 1891 [Hyderabad Residency Orders, 1891, Pt. I, p. 23], and No. 6, dated the 5th January, 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 15].
Indian Railways Act, 1890 (IX of 1890).	144	Delegating certain powers and functions to the Resident at Hyderabad. ¹	No. 1332-I. dated the 23rd March, 1891. [Printed <i>supra</i> , p. 120.]
Ditto . . .	16, 47, 84, 85, 135, 148 (1), (2)	Sanctioning the use of motive power and rolling stock; applying the general rules for working open lines of railways and Railways under construction and certain other rules issued by the Public Works Department to the railways in these Districts.	No. 3387-I. B., dated the 31st October, 1896 [Printed <i>infra</i> , p. 392.]
Ditto . . .	83	Magistrates to above notices of accidents occurring on the railway shall be given.	² No. 326, dated the 6th October, 1890. Hyderabad Residency Orders, 1890, Pt. I, p. 188.
Land Acquisition Act, 1894 (I of 1894).	55	² Rules for the enforcement of the Act.	[Hyderabad Residency Orders, 1871, p. 64]
Ditto . . .	4 (1)	³ Constituting and declaring the Court of the Judicial Commissioner of the Hyderabad Assigned Districts to be the Court for the Berars for the purposes of the Act.	No. 76, dated the 27th August, 1875. [Hyderabad Residency Orders, 1875, p. 516.]
Cotton Duties Act, 1896 (II of 1896).	2 (2)	Appointing the Commissioner, Hyderabad Assigned Districts, to be the Chief Customs Authority for these Districts and appointing the Inspector of Factories to perform the duties prescribed by section 15 of the Act.	No. 103, dated the 29th March, 1895 [Hyderabad Residency Orders, 1895, Pt. I, p. 72.]
Ditto . . .	33 (1) (a)	Prescribing a form in which the return of cotton yarn to be delivered to the Collector under section 7 shall be made.	No. 563-I., dated the 14th February, 1895. [Printed <i>infra</i> , p. 393.]

¹ See also p. 337, *supra*, for the notification issued under Act IV of 1879, delegating to the Resident the powers of a Local Government for the purposes of that Act. That notification is kept in force by s. 2 (2) of Act IX of 1890, in so far as it is not superseded by this more recent one.

² This Notification issued under Act IV of 1879. It is kept in force by s. 2 (2) of Act IX of 1890.

³ These notifications issued under Act X of 1879, and are kept in force by s. 2 (2) of this Act, which was applied by Notification No. 264-I., dated the 12th April, 1894, printed *supra*, p. 123.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd*

Act.	Section.	Subject of Rules or Notification.	Reference.
Cotton Duties Act, 1896 (II of 1896).	36	Making certain rules for carrying the Act into effect.	No. 716-I, dated the 20th February, 1896, as amended by No. 181-I. A, dated the 15th January, 1897. [Printed <i>infra</i> , p. 395.]
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Conferring on the Local Government the powers exercisable under section 2 (1).	No. 1232-I A, dated the 3rd April, 1897. [Printed <i>infra</i> , p. 404.]
Reformatory Schools Act, 1897 (VIII of 1897).	15 (1)	Directing that the Reformatory School at Yeraoda in the Bombay Presidency shall be available for youthful offenders in these Districts.	No. 1240, dated the 28th October, 1898. [Printed <i>supra</i> , p. 82.]
Code of Criminal Procedure, 1898 (Act V of 1898).	7 (2)	¹ Declaring the Jiri Police Outpost Circle to be part of the Akola District with effect from 1st April, 1887.	No. 38, dated the 7th March, 1887. [Hyderabad Residency Orders, 1887, Pt. I, p. 21.]
Ditto . . .	7 and 9	¹ Establishing a Sessions Court for the Districts, declaring them to be a Sessions Division and appointing the officer for the time being holding the office of Civil and Sessions Judge for those Districts to be the Sessions Judge. Directing that Sessions in alternate months shall be held at Amraoti and Akola, and that cases committed in the Amraoti, Wun and Ellichpur Districts shall be tried at Amraoti and those by Magistrates in the Akola, Basim and Buldana Districts at Akola.	No. 161, dated the 29th June, 1889. [Hyderabad Residency Orders, 1889, Extraordinary.]
Ditto . . .	"	¹ Adding a proviso to the Notification No. 161, dated the 29th June, 1889, providing that nothing in that notification is intended to prohibit the Sessions Judge from trying a case at any place other than Akola and Amraoti, within the districts which may be appointed by the Judicial Commissioner.	No. 185, dated the 27th May, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 100.]
Ditto . . .	12	¹ Appointing the Superintendent of Police at Aurungabad to be a Magistrate of the 2nd class in the Buldana District.	No. 26, dated the 8th December, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 214.]

¹ These notifications were issued under Act X of 1882. They are kept in force by s. 2 (2) of Act V of 1893.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*¹.

Act	Section	Subject of Rules or Notification.	Reference.
Code of Criminal Procedure, 1898 (Act V of 1898)— <i>contd.</i>	12	Appointing the Superintendent of Police at Jalna to be a Magistrate of the 2nd class in the Buldana District.	No. 27, dated the 8th December, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 214.]
Ditto . . .	16	Rules for the guidance of Benches of Magistrates.	No. 298, dated the 10th August, 1899. [Hyderabad Residency Orders, 1889, Pt. I, p. 261.]
Ditto . . .	12 and 39	¹ Directing that every person appointed to be an Assistant Commissioner or an Extra Assistant Commissioner or a Tahsildar who has not been invested with any powers under the Code shall be a Magistrate of the 3rd class in the district to which he is attached.	No. 336, dated the 28th October, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 196.]
Ditto . . .	37	¹ Conferring powers on Magistrates of Districts and on Magistrates of the 1st class.	No. 50, dated the 23rd March, 1882 [Hyderabad Residency Orders 1882, Pt. I, p. 51.]
Ditto . . .	„	¹ Conferring additional powers on Magistrates of the 1st, 2nd and 3rd classes.	No. 265, dated the 30th August, 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 178.]
Ditto . . .	„	Investing all Magistrates of the 1st, 2nd and 3rd class in the Districts with the additional powers enumerated in the 4th Schedule to the Code.	No. 336, dated the 17th October, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 268.]
Ditto . . .	38	¹ Transferring certain villages from the jurisdiction of the Magistrate of the Buldana District to that of the Magistrate of the Akola District.	No. 216, dated the 30th December, 1882. [Hyderabad Residency Orders, 1883, Pt. I, p. 2.]
Ditto . . .	39	¹ Villages referred to in the preceding notification included within the territorial limits of the jurisdiction of the Magistrate of the Khamgaon Division of the Akola District.	No. 217, dated the 30th December, 1882. [Hyderabad Residency Orders, 1883, Pt. I, p. 2.]
Ditto . . .	...	¹ Conferring powers on Magistrates.	Resident's Notification No. 20, dated the 20th January, 1873, and subsequent notifications in Hyderabad Residency Orders.
Ditto . . .	41	¹ Cancelling so much of Notification No. 20, dated the 20th January, 1873, and subsequent notifications, as confer on any Magistrate any powers in excess	No. 174, dated the 9th December, 1891. [Hyderabad Residency Orders, 1881, Pt. I, p. 244.]

¹ These notifications were issued under Act X of 1832. They are kept in force by s. 2 (9) of Act V of 1893.

CHAPTER III—BERAR—*contd.**British-Berar Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Code of Criminal Procedure, 1898 (Act V of 1898)— <i>contd.</i>	41	of those which he exercises as Magistrate of the District or Magistrate of the 1st, 2nd, or 3rd class, as the case may be.	
Ditto . . .	68	¹ Investing all clerks of Courts in the Deputy Commissioners' Courts, and the senior Karkun in Subordinate Magistrates' Courts, with power to sign summonses.	No. 154, dated the 30th July, 1883, and No. 175, dated the 8th September, 1883. [Hyderabad Residency Orders, 1883, p. 100; <i>ibid</i> , 1883, p. 116, respectively.]
Ditto . . .	261	Confers certain powers on the bench of Magistrates, Khamgaon, Akola District.	No. 335, dated the 1st October, 1895. [Hyderabad Residency Orders, 1895, Pt. I, p. 285.]
Ditto . . .	274	¹ Fixing the number of Jurors for the trial of European British subjects before the Court of Sessions in the Hyderabad Assigned Districts.	No. 55, dated the 13th March, 1889. [Hyderabad Residency Orders, 15th March, 1889, Pt. I, p. 49.]
Ditto . . .	357	¹ Directing that in proceedings before Courts of Session, District Magistrates and Magistrates of the 1st and 2nd classes, the evidence of each witness shall in the cases referred to in section 356, be taken down by the Judge or Magistrate with his own hand and in the English or Mahratti language.	No. 41, dated the 1st March, 1884. [Hyderabad Residency Orders, 1884, p. 38.]
Ditto . . .	392	¹ Prescribing the manner in which a sentence of whipping may be carried out.	No. 86, dated the 3rd April, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 68.]
Ditto . . .	422	¹ Directing notice to be given of time and place for hearing appeals.	No. 43, dated the 1st March, 1894, as amended by No. 146, dated the 15th May, 1891. [Hyderabad Residency Orders, 1884 and 1891, Pt. I, pp. 38 and 111, respectively.]
Ditto . . .	475B	¹ Empowering officers in charge of Jails to discharge all the functions of the Inspector-General of Jails under sections 472, 473 and 474, with respect to persons confined in those Jails under sections 466—471.	No. 189, dated the 20th August, 1886. [Hyderabad Residency Orders, 1886, Pt. I, p. 121.]
Ditto . . .	495	¹ Prohibiting police officers below the rank of Chief Constable to conduct prosecutions.	No. 206, dated the 21st September, 1886. [Hyderabad Residency Orders, 1886, Pt. I, p. 133.]
Ditto . . .	514	¹ Rules for regulating the payment of expenses of complainants and witnesses.	These rules were sanctioned by the Government of India's letter No. 1835, dated the 6th November, 1873. See Resident's Notification No. 178, dated the 22nd July, 1839, printed <i>infra</i> , p. 457.

¹ These notifications were issued under Act X of 1832. They are kept in force by s. 2 (9) of Act V of 1893.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED —*contd.*

Act.	Section.	Subject of Rules or Notification.	Reference.
Code of Criminal Procedure, 1898 (Act V of 1898)— <i>concl'd.</i>	553	¹ Prescribing certain forms for use in all Sessions Courts.	¹ No. 183, dated the 18th July, 1873. [<i>Hyderabad Residency Orders</i> , 1873, p. 368.]
Indian Stamp Act, 1899 (II of 1899).	9	Applying the provisions of Finance Department Notification No. 2897-S. R., dated the 7th June, 1894, with certain modifications.	² No. 3585-I., dated the 10th October, 1894. [Printed <i>infra</i> , p. 401.]
Ditto . . .	"	Applying Finance Department Notification No. 2897-S.R., dated the 7th June, 1894, subject to certain additional modifications and in modification of Notification No. 3588, dated the 10th October, 1894.	² No. 2602-I., dated the 9th August, 1895. [Printed <i>infra</i> , p. 388.]
Ditto . . .	"	Exempting from stamp duty receipts for rent or land revenue granted by jagirdars when written in the receipt books prescribed in the Commissioner's Book Circular III of 1886 and which are not exempt from such duty by clause (c), article 15, Schedule II of the Act.	² No. 467, dated the 24th January, 1889. [Printed <i>infra</i> , p. 402.]
Ditto . . .	9 and 10	Directing that the provisions of certain notifications of the Finance Department shall apply to the Hyderabad Assigned Districts.	² No. 1029-I., dated the 5th March, 1891. [Printed <i>infra</i> , p. 403.]
Ditto . . .	10	Directing that Financial Department Notification No. 2036, dated the 30th June, 1882, shall be deemed to have applied to Berar from the 25th October, 1892.	² No. 2190-I., dated the 2nd July, 1890. [Printed <i>infra</i> , p. 390.]
Ditto . . .	10, 16, 18, 49, 50 & 75.	Directing that the provisions of Finance Department Notification No. 2170, dated the 22nd May, 1891, shall, subject to certain modifications, apply to these Districts.	² No. 3655 I., dated the 3rd September, 1891. [Printed <i>infra</i> , p. 403.]
Ditto . . .	74	³ Adopting for the Hyderabad Assigned Districts the Rules attached to the Resolution by	² No. 71, dated the 20th April, 1887. [<i>Hyderabad Residency Orders</i> , 1887, Supplement, p. 81.]

¹ This notification was issued under Act X of 1882. It is kept in force by s. 2 (2) of Act V of 1899.² These Notifications issued under the Stamp Act, 1879 (I of 1879) and are kept in force by s. 24 of the General Clauses Act, 1897 (XIV of 1897).³ This notification was also issued in part under s. 27 of the Court Fees Act, 1870 (VII of 1870), see p. 332.

CHAPTER III—BERAR—*contd.**British-Berar Enactments.*2-(a)—LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*concl'd.*

Act.	Section.	Subject of Rules or Notification	Reference.
Indian Stamp Act, 1899 (II of 1899)— <i>concl'd.</i>	74	the Government of India, Financial Department, No. 1596, dated 28th June, 1886, regarding the custody, supply, and sale of general and court-fee stamps.	
Ditto . . .	"	Rules for regulating the supply and sale of stamps and stamped papers, the persons by whom alone such sale is to be conducted, and the duties and remuneration of such persons.	¹ No. 140, dated the 23rd July, 1888. [Hyderabad Residency Orders, 1st August, 1888, Pt. I, p. 115.]
Ditto . . .	"	Amending Rule 11 of the above Rules.	¹ No. 140, dated the 5th May, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 102.]
Ditto . . .	"	Amending Rule 12 of the above Rules.	¹ Resident's Book Circular No. 1 of 1885.
(2) Acts of the Governor of Bombay in Council.			
Bombay Boiler Inspection Act, 1891 (Bombay Act II of 1891).	20	² Declaring the Board of Trade, the Calcutta Marine Board, the Burma Boiler Act Board and the Straits Settlements Board to be competent to grant certificates referred to in that section.	No. 68, dated the 13th March, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 49.]
Ditto . . .	36	² Rules under the Act for the inspection and management of steam boilers in Berar.	No. 87, dated the 13th April, 1889. [Hyderabad Residency Orders, 1889, Pt. I, p. 79.]
Ditto . . .	22 (2)	Declaring authorities competent to grant the certificate referred to in section 22.	No. 322, dated the 27th August, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 250.]
Ditto . . .	20	Declaring the Board of Examiners, Bombay, to be the Board of Examiners of these Districts.	No. 321, dated the 27th August, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 250.]
Ditto . . .	34 (a)	Rules as to the duties of an Inspector under the Act.	No. 280-A., dated the 26th July, 1894 as amended by No. 323, dated the 14th September, 1899. [Hyderabad Residency Orders, 1894 and 1899, Pt. I, pp. 213, and 297, respectively.]
Ditto . . .	...	Fee payable to members of a Commission appointed under section 35 of the Act.	No. 417, dated the 27th November, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 325.]
Ditto . . .	34	The Hyderabad Assigned Districts Engineers Examination Rules, 1898.	No. 192, dated the 7th June, 1898, as amended by No. 315, dated the 5th September, 1899. [Hyderabad Residency Orders, 1898 and 1899, Pt. I, pp. 192 and 287, respectively.]

¹ These notifications issued under the Indian Stamp Act, 1879 (I of 1879). They are kept in force by s. 24 of the General Clauses Act 1897 (XIV of 1897).

² These Orders issued under Bombay Act III of 1867. *see* now Bombay Act II of 1891, which was applied by Notification No. 401-I., dated the 31st January, 1893, printed *supra*, p. 125.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*

2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS.

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1873	Abkari Rules .	6	Making a rule as to the maximum quantity of country spirit which may be sold by a licensed vendor by retail at one time or to one and the same person on any one day.	<i>No 53, dated the 25th February, 1893.</i> [<i>Hyderabad Residency Orders, 1893, Pt. I, p. 37.</i>]
"	Ditto . .	7	Suspending the operation of Rule 4 and of exception 1 to Rule 44 of the Abkari Rules in the Ellichpur District, Amraoti Taluq, and in the Akola District and the Malkapur Taluq of the Buldana district in respect to country spirit.	<i>No 20, dated the 28th January, 1893, No. 52, dated the 25th February, 1893 and No. 125, dated the 20th April, 1897.</i> [<i>Hyderabad Residency Orders, 1893, and 1897, Pt. I, pp. 23, 37 and 83, respectively.</i>]
1885	Berar Rural Boards Law.	13, 33 (b) & 34	Rules for the management of Primary Schools by District Boards.	<i>No 313 dated the 10th December, 1891.</i> [<i>Hyderabad Residency Orders, 1891, Pt I, p. 216</i>]
"	Ditto . .	13 (f)	Transferring to the District Boards of the Amraoti, Akola, Buldana, Bassim and Ellichpur Districts the functions of the District Magistrate as described in s 4 of the Cattle Trespass Act, 1871, as applied to the Hyderabad Assigned Districts.	<i>No 60, dated the 5th March, 1890.</i> [<i>Hyderabad Residency Orders, 1890, Pt I, p 48</i>]
"	Ditto . .	33	Rules under the section:— Pt. I—as to constitution method and time of election, nomination and appointment and term of office of members of Taluq and District Boards, etc. Pt. II—as to contracts and payment of money from the District Fund, etc.	<i>No 57-A, dated the 15th March, 1892.</i> [<i>Hyderabad Residency Orders, 1892, Supplement, p. 55.</i>]
"	Ditto . .	"	Addition of a proviso to Rule 6 (1) (f) of Part II of above Rules	<i>No 300, dated the 12th August, 1899.</i> [<i>Hyderabad Residency Orders, 1899, Pt. I, p. 262</i>]
"	Ditto . .	88 (a)	Rule in supersession of Rule 20 of Part II of the above Rules.	<i>No. 205, dated the 18th July, 1893.</i> [<i>Hyderabad Residency Orders, 1893, Pt. I, p. 133.</i>]
"	Ditto . .	34 (2)	Rule in supersession of Rule 26 of Part II of the above Rules.	<i>No 207, dated the 29th May, 1895.</i> [<i>Hyderabad Residency Orders, 1895, Pt. I, p. 165.</i>]
"	Ditto . .	35	Law declared not to apply to Melghat Taluq, Ellichpur District.	<i>No. 167, dated the 23rd August, 1888.</i> [<i>Hyderabad Residency Orders, 1888, Pt I, p. 134.</i>]

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1885	Berar Rural Boards Law.	36	Addition to Rule 22 (2) of Part II of the Rules under Notification No. 57-A., dated the 15th March, 1892.	No. 279, dated the 24th July, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 213]
1886	Patels and Patwaris Law.	21	Rules under the section . . .	No. 66, dated the 14th April, 1886. [Hyderabad Residency Orders, 1886, Pt. I, p. 49.]
"	Ditto . . .	"	Correction of a clerical error in Rule X of the above.	No. 82, dated the 6th May, 1886. [Hyderabad Residency Orders, 1886, Pt. I, p. 66]
"	Ditto . . .	"	Amendments in and additions to Rules published under Notification No. 66, dated the 14th April, 1886.	No. 117, dated the 28th March, 1891, and No. 387, dated the 8th November, 1895. [Hyderabad Residency Orders, 1891 and 1895, Pt. I, pp. 63 and 146, respectively.]
"	Berar Municipal Law.	4 (2)	Applying the law to the town and civil station of Yeotmal, exempting the municipality from those provisions of the law which require a certain proportion of the members of the Committee to be elected, and appointing certain members.	No. 56, dated the 25th February, 1893. [Hyderabad Residency Orders, 1893, Pt. I, p. 37.]
"	Ditto	5	Extending the provisions of the Law to the Municipalities of—Amraoti Town, Akola Town, Khamgaon Town, Shegaon Town, Akot Town, Ellichpur Town and Bassim Town.	No. 22, dated the 10th February 1887. [Hyderabad Residency Orders, 1887, Pt. I, p. 17]
"	Ditto	...	Rules under the Law.	No. 256, dated the 19th December, 1888. [Hyderabad Residency Orders, 1888, Extraordinary, p. 1.]
"	Ditto	...	Alterations in Appendix A to the above Rules.	No. 37, dated the 22nd February, 1889. [Hyderabad Residency Orders, 1889, Pt. I, p. 40.]
"	Ditto	32	Amendment in the last sentence of the Rules framed under section 32 of the Berar Municipal Law, 1886, published in Notification No. 256, dated the 19th December 1889.	No. 117, dated the 23rd May, 1889. [Hyderabad Residency Orders, 1889, Pt. IV, p. 102.]
"	Ditto	44	Sanctioning the imposition of a water tax on certain buildings and lands within the Municipality of Buldana at certain rates.	No. 221, dated the 27th July, 1893. [Hyderabad Residency Orders, 1893, Pt. I, p. 141.]

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1886	Berar Municipal Law— <i>concl'd.</i>	116 (1) (c) & (g) & (2)	Rules for the regulation and inspection of serais, meat and vegetable markets and burning and burial grounds within the Akola Municipality.	¹ No. 275, dated the 20th July, 1893. [Hyderabad Residency Orders, 1893, Pt. I, p. 139.]
	Ditto	116 (1) (c) and (2)	Rules for the inspection and proper regulation of slaughter-houses.	No. 199, dated the 13th June, 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 124.]
"	Ditto	145 (1) (f), (m), (n), (o), (p) and (r)	Rules for certain Municipalities under the clauses of section 145 mentioned in the preceding column.	No. 278, dated the 22nd August, 1896, as confirmed by No. 106, dated the 29th March, 1897. [Hyderabad Residency Orders, 1896 and 1897, Pt. I, pp. 203 and 66 respectively.]
"	Ditto	145 (1)	Substituting new rules for Rules 154 and 155 of above.	No. 224, dated the 23rd May, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 185.]
"	Ditto	145 (1) (m)	Rule in supersession of Rule 43 of the rules published under Notification ² No. 256, dated the 19th December, 1888.	² No. 252, dated the 24th August, 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 176.]
"	Ditto	145 (1)	Rules as to preparation of estimates of income and expenditure and the authority by whom and the conditions on which such estimates may be sanctioned.	¹ No. 307, dated the 26th August, 1895. [Hyderabad Residency Orders, 1895, Pt. I, p. 231.]
"	Berar Forest Law.	3 (4)	Conferring the powers exercised by Forest Officers under sections 17, 19 and 29 of the Law, on persons holding the offices of Deputy Commissioner, Assistant Commissioner, Extra Assistant Commissioner, Tahsildar and Patel.	No. 191, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 14.]
"	Ditto	...	Rules for State forests of Class A. or Class B.	No. 185, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 9.]

¹ Similar Notifications have been issued for other municipalities in these Districts, but they are not of sufficient importance to be noted here.

² In so far as these Notifications (No. 252, dated the 24th August, 1892 and No. 307, dated the 26th August, 1895) apply to the Municipalities noted on the margin of Notification No. 106, dated the 29th March, 1897, they are superseded by that Notification.

³ Vide *supra*, p. 348.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1886	Berar Forest Law— <i>contd.</i>	...	Rules for State forests of Class C	No 446, dated the 12th December, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 352.]
"	Ditto	...	Rules for State forests of Class D.	No 187 dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 12.]
"	Ditto	...	Rules for protection against fire.	No. 195, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 16.]
"	Ditto	5 (2)	Rules for grazing in State forests of Class C, Division I, in supersession of previous rules.	No. 334, dated the 17th October, 1896. [Hyderabad Residency Orders, 1896, Pt. I, p. 242]
"	Ditto	10 (4)	Declaring that the rules published under Notification No. 185, dated the 6th June, 1892, shall apply to State forests of Classes A and B specified in Parts A and B of the Schedule to Notification No. 184 ¹ dated idem.	No. 188, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 14.]
"	Ditto	"	Declaring that the rules published under Notification No. 186, dated the 6th June, 1892, shall apply to State forests of Class C specified in Parts C 1 and C 2 of the Schedule to Notification No. 184, dated idem.	No. 189, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 14.]
"	Ditto	"	Declaring that the Rules published under Notification No. 187, dated the 6th June, 1892, shall apply to State forests of Class D specified in Part D of the Schedule to Notification No. 184, dated idem.	No. 190, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 14.]
"	Ditto	10 (b)	Orders as to concessions granted in the various classes of State forests.	Resident's Book Circular No. XXIV of 1894, as amended by Resident's R. B. Circular No. IX, dated the 27th July, 1896.
"	Ditto	18	Prescribing a scale of fines to be levied for cattle trespassing in State forests of Classes C and D and of classes A and B.	No. 192, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 14.]
"	Ditto	33 & 36	Conferring powers on certain officers in respect of their charges and stating that the Conservator of Forests may exercise all or any of those powers.	No. 193, dated the 6th June, 1892. [Hyderabad Residency Orders, 1892, Extraordinary, p. 14.]

¹ These Rules were made under s. 16 of the Berar Forest Rules, 1871. They are apparently kept in force by s. 2 of the present Law.

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1886	Berar Forest Law— <i>concl'd.</i>	40	Rules regarding forest rights and privileges in the Southern Division.	<i>Notification, dated the 13th June, 1873.</i> [<i>Hyderabad Residency Orders, 1873, p. 304.</i>]
"	Ditto	40 (b)	Rules in regard to the payment of rewards.	<i>No. 194, dated the 6th June, 1892.</i> [<i>Hyderabad Residency Orders, 1892, Extraordinary, p. 16.</i>]
"	Ditto	40 (c)	Dividing State forests into four classes according to the public purpose each forest is intended to serve, and distributing the existing State forests amongst those classes.	<i>No. 184, dated the 6th June, 1892.</i> [<i>Hyderabad Residency Orders, 1892, Extraordinary, p. 1.</i>]
1889	Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law.	6 (b) and 12	Establishing a general Registry Office for keeping certified copies of registers of births and deaths registered under the law or marriages registered under Act XV of 1872, and appointing the Inspector-General of Registration to have charge of it as Registrar of Births, Deaths and Marriages, and the persons holding the offices of District Registrars under Act III of 1877 to be Registrars of Births and Deaths within the same local areas for which they are appointed under Act III of 1877.	<i>No. 23, dated the 8th January, 1891.</i> [<i>Hyderabad Residency Orders, 1891, Pt. I, p. 13.</i>]
"	Ditto	25, 27 and 33	Rules under the sections given in the preceding column.	<i>No. 634-I, dated the 21st February, 1890, as amended by No. 023-I, dated the 29th November, 1894.</i> [<i>Printed infra, p. 405.</i>]
"	Ditto	33 (a)	Prescribing fees payable under the law.	<i>No. 1258-I, dated the 18th April, 1895</i> [<i>Printed infra, p. 412.</i>]
"	Ditto	33	Rule as to depositing of registers and records dealt with by Commissioners under Chapter V of the law in the office of the Registrar General of Births, Deaths and Marriages.	<i>No. 2633-I, dated the 27th June, 1892.</i> [<i>Printed infra, p. 411.</i>]
"	Hyderabad Assigned Districts Courts Law.	8 (2)	Directing that the Courts of Tahsildars shall not be competent to try suits of certain classes.	<i>No. 159, dated the 25th June, 1889.</i> [<i>Hyderabad Residency Orders, Extraordinary, dated the 29th June 1889</i>]

CHAPTER III.—BERAR—*contd.**British-Berar Enactments*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law	Section.	Subject of Notification.	Notification.
1889	Hyderabad Assigned Districts Courts Law.	8 (2) and 20.	Declaring that the Courts of every Assistant or Extra Assistant Commissioner in regard to whom no personal notification has issued shall be a Court of an Assistant Commissioner of the 3rd class and the Court of every Tahsildar in regard to whom no personal notification has issued shall be a Court of a Tahsildar of the 2nd class, and defining the local limits of the Courts of such Assistant Commissioners and Tahsildars.	No 89, dated the 4th April 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 86.]
"	Ditto . . .	9 and 12	Investing the officer for the time being holding the office of Civil and Sessions Judge, Hyderabad Assigned Districts, with all the powers of the Court of a Deputy Commissioner in the Amraoti, Akola, Ellichpur, Buldana, Bassim and Wun Districts; directing that all appeals from original civil suits, when allowed by law and when the value of the suit does not exceed R300, shall lie from subordinate Courts in those districts to the Court of that officer, and that his Court shall be the Court of a Civil Judge subject to the control of, and subordinate to, that of the Judicial Commissioner only.	No. 91, dated the 4th April, 1892. [Hyderabad Residency Orders, 1892, Pt I p. 86.]
"	Ditto . . .	10(1)	Investing the Superintendent of Police, Aurungabad, with the jurisdiction of a Small Cause Court Judge up to R50 in the Buldana District.	No 28, dated the 8th December, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 214.]
"	Ditto . . .	"	Investing the Superintendent of Police, Jalna, with the jurisdiction of a Small Cause Court Judge up to R50 in the Buldana District.	No. 29, dated the 8th December, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 214.]
"	Ditto . . .	"	Investing the Superintendent of Police at Mominabad with the jurisdiction, in the Buldana District of a Judge of a Small Cause Court up to R50.	No. 29, dated the 25th January, 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 33.]
"	Ditto . . .	11 and 20	Investing the Naib Tahsildars of certain towns with jurisdiction to try suits of the nature of a small causes up to the value of R50.	No. 143, dated the 18th June, 1889. [Hyderabad Residency Orders, Extraordinary, dated the 21st June, 1889, p. 3.]

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2 - b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law	Section.	Subject of Notification.	Notification.
1889	Hyderabad As- signed Districts Small Cause Courts Law.	4 (1 and 2)	Establishing Small Cause Courts at Badnera and Telhara and defining the local limits of their jurisdiction.	No. 157, dated the 25th June, 1889. [Hyderabad Residency Orders, Extraordinary, dated the 29th June, 1889.]
"	Ditto . . .	4 (2)	Declaring the local limits of the jurisdiction of the Small Cause Courts of Akola and Khamgaon.	No. 144, dated the 18th June, 1889. [Hyderabad Residency Orders, Extraordinary, dated the 21st June, 1889, p. 3.]
"	Ditto . . .	10 (1) (2) and (3).	Declaring that suits not exceeding 1,000 rupees in value shall be cognizable by the Small Cause Courts of Akola and Khamgaon.	No. 145, dated the 18th June, 1889. [Hyderabad Residency Orders, Extraordinary, dated the 21st June, 1889, p. 3.]
"	Ditto . . .	10 (1 & 2)	Directing that all civil suits not exceeding Rs. 1,000 in value shall be cognizable by the Small Cause Courts at Badnera and Telhara.	No. 158, dated the 25th June, 1889. [Hyderabad Residency Orders, 1889, Extraordinary, dated the 29th June, 1889]
"	Ditto . . .	21 (1)	Appointing the Judges of the Small Cause Courts at Badnera in the Amraoti District and Telhara in the Akola District for the time being to be Magistrates within the limits of the Amraoti and Akola Districts, respectively, and directing that they shall exercise the powers with which they may have already been invested or may hereafter be invested under the Criminal Procedure Code.	No. 199, dated the 7th August, 1889. [Hyderabad Residency Orders, 1889, Pt. I, p. 149.]
1896	Hyderabad As- signed Districts Land Revenue Code.	216 (k)	Rules for the conduct of the revision survey.	R. B. Cir., Ch. I, Vol. III, No. VII, dated the 4th March, 1897.
1897	Berar Excise Law, 1897.	4	Appointing all Assistant and Extra Assistant Commissioners and the Personal Assistant to the Inspector-General of Excise and Attachés to the Resident to exercise, subject to the general control of the Collector, all the powers and to perform all the duties conferred and imposed by the Law on the Collector, provided that the powers conferred by s. 13 shall not be exercised without the special authority of the Collector in each case.	No. 118, dated the 26th April, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 151.] No. 320, dated the 12th October, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 356.]

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1897	Berar Excise Law, 1897— <i>contd.</i>	9	Directing that no country liquor or tari in excess of a certain quantity shall be transported or removed from one place to another within certain taluqs.	No. 132, dated the 27th March, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 115.]
"	Ditto . .	13	Directs what shall be the maximum amount of country liquor or tari which may be sold by retail at one time and to the same person within the area to which the Law applies.	No. 78, dated the 31st March, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 112.]
"	Ditto . .	15	Fixing the still head duty on every Imperial gallon of country liquor manufactured at the Ellichpur and Akola distilleries.	No. 133, dated the 27th March, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 115.]
"	Ditto . .	15 (a)	Rate of duty to be levied on certain country liquor imported into Berar.	No. 42, dated the 9th February, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 45.]
"	Ditto . .	20	Investing all police-officers, and all forest-officers not below the rank of Foresters, with the powers of excise officers under sections 22 to 25, 27, 35, 40 and 42 of the Law, provided that no prosecutions shall be instituted under sections 32, 33, 35, or 36 by any officer other than the Deputy Commissioner, except under the special sanction of the Deputy Commissioner.	No. 4-A., dated the 22nd February, 1899. [Hyderabad Residency Orders, 1898, Pt. I, p. 92.]
"	Ditto . .	21	Prescribing forms of licenses for drawing and selling tari and directing that they shall issue for a period of three years.	No. 207, dated the 22nd June, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 214.]
"	Ditto . .	"	Prescribing the forms of licenses and passes to be used under the Law.	No. 134, dated the 27th March, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 47.]
"	Ditto . .	"	Limitation of period of currency of license for sale of liquor and form of license therefor.	No. 43, dated the 9th February, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 45.]
"	Ditto . .	"	Prescribing forms of licenses for the sale of liquor other than country liquor distilled at a public distillery.	No. 79, dated the 31st March, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 112.]
"	Ditto . .	26	Rules regarding special orders for the purchase of liquor for special occasions.	No. 8, dated the 1st February, 1899. [Resident's C. B. Circulars, Chapter X, Volume I.]

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

Year.	Subject of Law.	Section.	Subject of Notification.	Notification.
1897	Berar Excise Law, 1897— <i>concl'd.</i>	48	Rules under the section . . .	<i>B. B. Circular No. III, dated the 25th April, 1898.</i>
"	Berar Hemp Drugs Law.	3 (1) (a) and (b)	Investing all police-officers with the powers conferred on Excise-officers by section 23 of the Law and all police-officers in charge of stations or police-officers above the grade of head constables with the powers conferred on such officers by sections 24 and 25 of the Law.	<i>No. 21, dated the 4th February, 1898.</i> <i>[Hyderabad Residency Orders, 1898, Pt. I, p. 73.]</i>
"	Ditto .	3	Prohibiting the cultivation and collection of the hemp plant and regulating the import and transport of certain intoxicating drugs.	<i>No. 45, dated the 11th February, 1899.</i> <i>[Hyderabad Residency Orders, 1899, Pt. I, p. 46.]</i>
"	Ditto .	3 (c)	Prohibiting the import of intoxicating drugs into and the transport of such drugs within the Hyderabad Assigned Districts otherwise than under the conditions specified in the rules made under section 10 of the Law.	<i>No. 61, dated the 25th March, 1898.</i> <i>[Hyderabad Residency Orders, 1898, Pt. I, p. 109.]</i>
"	Ditto .	4	Imposing a duty on ganja and bhang.	<i>No. 46, dated the 11th February, 1899.</i> <i>[Hyderabad Residency Orders, 1899, Pt. I, p. 47.]</i>
"	Ditto .	5 (a)	Establishing bonded warehouses for storage of intoxicating drugs.	<i>No. 49, dated the 13th February, 1899.</i> <i>[Hyderabad Residency Orders, 1899, Pt. I, p. 50.]</i>
"	Ditto .	5 and 10	Rules for the importation and sale of ganja and bhang.	<i>No. 47, dated the 11th February, 1899.</i> <i>[Hyderabad Residency Orders, 1899, Pt. I, p. 47.]</i>
"	Ditto .	6 (1)	Fixing the rate of warehouse dues payable upon intoxicating drugs lodged in the Government bonded warehouses established at the headquarters of each district.	<i>No. 130, dated the 24th March, 1899.</i> <i>[Hyderabad Residency Orders, 1899, Supplement, p. 31.]</i>
"	Ditto .	11	Rules for the transport of hemp drugs.	<i>Resident's C. B. Circular No. 4, dated the 24th March, 1899.</i>
"	Ditto .	44	Rules under the section . . .	<i>No. 131, dated the 24th March, 1899</i> <i>[Hyderabad Residency Orders, 1899, Supplement, p. 31.]</i>

CHAPTER III.—BERAR—*contd.**British-Berar Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*concl'd.*

When made.	Subject of Law.	Section.	Subject of Notification.	Notification.
1897	Berar Cotton and Grain Markets Law, 1897.	2	Declaring certain places to be markets for the sale of all kinds of cotton.	No. 79-A, dated the 1st April, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 117.]
„	Ditto . . .	3	Rules for the purposes specified in the section.	No. 79-B, dated the 1st April, 1898 [Hyderabad Residency Orders, 1898, Pt. I, p. 118.]

BRITISH-BERAR ENACTMENTS.

2. (a) Local Rules and Orders under British-Indian Enactments locally applied.¹

Extension of section 34 of Act V of 1861 to Badnera.

No. 722 P., dated the 18th December, 1868.—The provisions of section 34 of Act V of 1861 (an Act for the regulation of Police) are hereby extended to the town of Badnera in the Amraoti district of the Hyderabad Assigned Territory.

[See *Gazette of India*, 1868, p. 1832.]

Extension of section 34 of Act V of 1861 to Sheogaon.

No. 122 P., dated the 15th February, 1870.—The provisions of section 34 of Act V of 1861 (an Act for the regulation of Police) are hereby extended to the town of Sheogaon in the Akola district, West Berar.

[See *Gazette of India*, 1870, Pt. I, p. 127.]

Small Cause Court at Akola constituted.

No. 200-J., dated the 25th September, 1873.—With reference to the separate notification of to-day's date, No 199,² Judicial, the Governor General in Council is pleased, under the powers conferred on him by Act XI of 1865, section 3, to constitute a Court of Small Causes at Akola in the Hyderabad Assigned Territories, and to declare that the territorial limits of its jurisdiction shall be the limits of the Akola Taluq.

[See *Gazette of India*, 1873, Pt. I, p. 852.]

Exemption of Government publications from provisions of Act XXV of 1867.

No. 1294 P., dated the 12th March, 1868.—By virtue of the power vested in the Governor General in Council by section 21 of Act XXV of 1867, entitled—"An Act for the Regulation of Printing Presses and Newspapers, for the preservation of copies of Books printed in British India, and for the registration of such Books," His Excellency in Council is pleased to declare that all books, maps, sketches, charts, and papers printed or published under orders of Government or for official purposes, are exempted from the provisions of the said Act.

[See *Gazette of India*, 1868, p. 374.]

Rules under sections 10 and 18 of the Prisoners' Testimony Act, 1869 (XV of 1869).

No. 1814-J., dated the 15th December, 1869.—The Governor General in Council is pleased to make the following Rules under sections 10 and 18 of the Prisoners' Testimony Act, 1869, for giving effect to the provisions of the said Act in the Hyderabad Assigned Districts:—

RULES.

I.—The duty of escorting prisoners for the purposes of Act XV of 1869 shall be undertaken by the Regular Police. The escort for a prisoner shall be not less than two policemen.

¹ See also Chapter II *supra*—only such Local Rules and Orders are reproduced here as were published in the *Gazette of India*.

² By this Notification the Court of Small Causes at Ellichpur was abolished, see *Gazette of India*, 1873, Pt. I, p. 852.

³ This Notification was introduced into these Districts under the authority of Government of India letter No. 19—1304, dated the 12th March, 1868.

CHAPTER III.—BERAR—*contd.***B.—British-Berar Enactments—2. (a.)—Local Rules and Orders under British-Indian Enactments—*contd.***

Rules under sections 10 and 18 of the Prisoners' Testimony Act, 1869 (XV of 1869)—*contd.*

II.—Prisoners under sentence for a criminal offence shall be handcuffed before leaving the jail, and the handcuffs shall not ordinarily be removed except when the prisoners are before the Court, or confined in a lock-up.

III.—When the Court requiring the testimony of a prisoner is at the same place as the jail in which the prisoner is confined, he will proceed to the Court and back to the jail on foot, whether he be ironed or not.

IV.—If the Court be at any other place not accessible by the Railway, the prisoner will be conveyed to the Court and back again to the jail in an ordinary bullock cart ; but when a railway is available for a whole or portion of a journey, the prisoner shall be conveyed by rail in custody of the escort.

V.—As section 17 of this Act requires a Court to determine the amount of costs to be deposited with it before issuing the process in any *civil* matter, subject to the proviso therein made, the nazir of a District Court shall make out a bill of costs and present it for payment to the Court issuing the process.

In this bill will be included the pay, travelling and other allowances granted to the escort under the Rules of the Police Department, and all *necessary* charges attendant on the journey to and fro.

VI.—Under section 20 of the Act aforesaid, the jailor is hereby declared to be the officer in charge of the jail. All monies required to be paid under Rule V will be paid over to the officer in charge of the jail in which the prisoner is confined, and it will be the jailor's duty to certify that the *correct* amount has been received.

VII.—Deputy Commissioners who are invested under section 445A of Act VIII of 1869¹ with enhanced criminal jurisdiction, will be competent to countersign the orders made in the form in Schedules A and B of this Act.

VIII.—All State prisoners are exempted (under section 10) from the application of this Act.

IX.—When an order is made either in the form in Schedule A or Schedule B by a competent Criminal Court, the prisoner will be taken by the police to the Court issuing the order, and all costs attending the execution of such order will be borne by the State.

[See *Gazette of India*, 1869, Pt. I, p. 530]

Orders under the Court-fees Act, 1870 (VII of 1870).

Applying Finance Department Notification No. 361, dated the 18th April 1883.

No. 216, dated the 11th April, 1884.—In exercise of the powers conferred by sections 26 * * * of the Court-fees Act, 1870, and in supersession of the notification issued by the Government of India in this Department, No. 1412, dated 11th June, 1883, the Governor General in Council is pleased to direct that the Financial Notification No. 361, dated 18th April, 1883, prescribing the descriptions of stamps to be used for denoting the fees chargeable under the Court-fees Act, shall take effect in the Hyderabad Assigned Districts on and after the 1st July, 1884.

[See *Gazette of India*, 1884, Pt. I, p. 147.]

¹ See now s. 30 of the Code of Criminal Procedure, 1898, which is now in force in Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² Repealed by Notification No. 1015-I, dated the 25th March, 1890, printed *infra*, p. 359.

³ See *Gazette of India*, 1883, Pt. I, p. 189.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd****Orders under the Court-fees Act, 1870 (VII of 1870)—contd.*

Application of Notification indicating how the additional Court-fee payable on Probates and Letters of Administration shall be denoted.

No. 1016-I., dated the 26th March, 1890.—In exercise of the power conferred by section 26 of the Court-fees Act, VII of 1870, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 212-J.,¹ dated the 24th October, 1873, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of Finance Department Notification² No. 1522, dated the 20th March, 1885, issued under the aforesaid section, shall be deemed to have applied to the aforesaid Districts from the 1st April, 1885.

[See *Gazette of India*, 1890, Pt. I, p. 222.]

Applying Finance and Commerce Department Notification indicating the Court-fee stamp to be used in cases in which the fee payable is less than Rs. 10.

No. 1882-I., dated the 11th June, 1895.—In exercise of the power conferred by section 26 of the Court-fees Act (VII of 1870), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 212-J.,¹ dated the 24th October, 1873 (and with reference to the Notification of the Government of India in the Department of Finance and Commerce, No. 216,² dated the 11th April, 1884), the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notification³ No. 1494-S. R., dated the 29th March, 1895, issued by the Government of India in the Department of Finance and Commerce under the aforesaid section shall apply to the Hyderabad Assigned Districts, subject to the following modification :

For the words " 1st July, 1895 " the words " 1st September, 1895 " shall be read.

[See *Gazette of India*, 1895, Pt. I, p. 518.]

Applying parts of Finance and Commerce Department Notification No. 4650, dated the 10th September, 1889, making certain remissions and reductions in the payment of Court-fees.

No. 1015-I., dated the 26th March, 1890.—In exercise of the power conferred by section 35 of the Court-fees Act, VII of 1870, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 212-J.,¹ dated the 24th October, 1873, the Governor General in Council is pleased to direct that so much of the Notification² No. 4650, dated the 10th September, 1889, issued by the Department of Finance and Commerce under the Court-fees Act, VII of 1870, section 35, as is specified below, shall be deemed to apply to the Hyderabad Assigned Districts.

¹ See Notification No. 1811-I.B., dated the 1st July, 1898, in virtue of which Act VII of 1870 is now in force in Berar. It is printed *supra*, p. 39.

² See *Gazette of India*, 1885, Pt. I, p. 213.

³ Printed *supra*, p. 352.

⁴ See *Gazette of India*, 1895, Pt. I, p. 265.

⁵ See *Gazette of India*, 1889, Pt. I, p. 506 : clause (6) is repealed by Notification No. 1300-I., dated the 18th April, 1894, see next page.

CHAPTER III. — BERAR—*contd.***British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Court-fees Act, 1870 (VII of 1870)—concl'd.***Applying parts of Finance and Commerce Department Notification No. 4650, etc.—*contd.***

The preamble, clauses (1) to (19) [both inclusive], clause (35) except the words “in the Presidency of Bombay or by the Sadar Court in Sindh” and clause (48), except the words and figures “or Act XX of 1884 (*An Act for making better provision for the care of the persons and property of minors in the Presidency of Bombay*).”

2. The following notifications of the Government of India in the Foreign Department are hereby cancelled, namely :—

(1) No. 216, dated 11th April, 1884, in so far as it refers to section 35 of the Court-fees Act, 1870,¹ and directs that clause III of Notification No. 361, dated 18th April, 1883, shall take effect in the Hyderabad Assigned Districts.

(2) No. 1926-I., dated 18th May, 1888.

[See *Gazette of India*, 1890, Pt. I, p. 222.]

Applying Finance and Commerce Department Notification limiting the fee chargeable on certain appeals to that leviable under Act XI, Schedule II of Act VII of 1870.

No. 1300-I., dated the 18th April, 1894.—In exercise of the power conferred by section 35 of the Court-fees Act (VII of 1870), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in Foreign Department, ¹No. 212-J., dated the 24th October, 1873, and in supersession of the orders contained in clause (6) under heading A of the Notification by the Government of India in the Department of Finance and Commerce, No. 4650, dated the 10th September, 1889, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 1015-I., dated the 26th March, 1890, the Governor General in Council is pleased to direct that the provisions of the Notification ²No. 4344-S. R., dated the 6th October, 1893, issued by the Government of India in the Department of Finance and Commerce under the Court-fees Act (VII of 1870), section 35, shall apply to the Hyderabad Assigned Districts.

[See *Gazette of India*, 1894, Pt. I, p. 208.]

Exemption from Court-fees of applications for a payment of fines, refund of which has been ordered.

No. 2991-I.B., dated the 25th September, 1896.—In exercise of the power conferred by section 35 of the Court-fees Act (VII of 1870), as applied to the Hyderabad Assigned Districts, the Cantonment of Secunderabad, the Hyderabad Residency Bazzars and the railway lands in His Highness the Nizam's territory, other than the railway lands referred to in the notification of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, the Governor General in Council is pleased to direct that no Court-fee shall be charged within those areas on an application for the repayment of a fine, or any portion of a fine, the refund of which has been ordered by competent authority.

[See *Gazette of India*, 1896, Pt. I, p. 748.]

¹ See Notification No. 1811-I.B., dated the 1st July, 1898, in virtue of which Act VII of 1870 is now in force in Berar. It is printed *supra*, p. 39.

See *Gazette of India*, 1893, Pt. I, p. 575.

CHAPTER III —BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Prisoners Act, 1871 (V of 1871).*

Jail to which prisoners sentenced to transportation may be sent.

No. 3360-I., dated the 17th September, 1886.—(1) Under section 33 of the Prisoners Act, V of 1871, as modified by the Prisoners Act Amendment Act, IX of 1882, and as extended to the Hyderabad Assigned Districts, the Governor General in Council is pleased to appoint the Central Jail at Akola to be a place to which prisoners sentenced in those districts to transportation shall be sent.

(2) This notification shall be deemed to have had effect from the 1st January, 1883.

[See *Gazette of India*, 1886, Pt. I, p. 526.]

Nagpur Jail declared to be a prison for purposes of section 31 (2) of the Prisoners Act, 1871 (V of 1871).

No. 3723-I., dated the 20th September, 1889.—With reference to Foreign Department Notification No. 1651-I., dated the 26th April, 1889, the Governor General in Council is pleased to direct that so much of Act X of 1886 (to amend the Code of Criminal Procedure, 1882, and certain other Acts) as amends the Indian Penal Code¹ and the Prisoners Act, 1871, shall be deemed to have applied to the Hyderabad Assigned Districts from the date of that notification to the extent and subject to the provisos specified therein.

2. The Governor General in Council is further pleased to direct that for the purposes of section 31, sub-section (2), of the Prisoners Act, 1871, as amended by Act X of 1886, the Nagpur Jail shall be deemed to be a prison within the territories subject to the Resident at Hyderabad.

[See *Gazette of India*, 1889, Pt. I, p. 519.]

Levy of duty under the Opium Act, 1878, on Malwa opium imported into Berar.

No. 329-I.P., dated the 27th March, 1880.—In exercise of the power conferred by section 6 of the Opium Act, I of 1878, the Governor General in Council is pleased to direct that duty at the rate of Rs. 700 shall be levied, from 1st April, 1880, on each chest of Malwa opium of 140 lbs. Avoirdupois net weight imported into the Hyderabad Assigned Districts.

[See *Gazette of India*, 1880, Pt. I, p. 222.]

Order under Act VIII of 1878, prohibiting import of Baroda copper or bronze coin.

No. 1331-I., dated the 20th April, 1893.— * * *

2. In exercise of the power conferred by section 19 of the Sea Customs Act (VII of 1878) as so applied, the Governor General in Council is further pleased to

¹ So far as the Indian Penal Code is concerned, the notification is now obsolete, as that Code now applies to Berar in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39, and so far as it amends the Prisoners Act, 1871 (X of 1871), by Notification No. 3930-I., dated the 1st November, 1894, printed *supra*, p. 53.

² Ss. 19 and 167 and Article 8 of the Schedule to s. 167 of Act VIII of 1878 were applied to Berar by para. 1 of this notification; see *supra*, p. 107.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments.—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.***

Order under Act VIII of 1878, prohibiting import of Baroda copper or bronze coin—*contd.*

prohibit the bringing into the said Hyderabad Assigned Districts of copper or bronze coin issued by the State of Baroda :

Provided that the bringing of such coin into the said districts by a traveller in any quantity not exceeding one rupee's worth at any one time, in good faith for his own use shall not be deemed to be prohibited by this notification.

[See *Gazette of India*, 1893, Pt. I, p. 213.]

Orders under the Arms Act, 1878.

Extension of Act to sulphur exceeding ten seers.

No. 1879-I., dated the 1st June, 1894.—In exercise of the powers conferred by section 3 of the Indian Arms Act (XI of 1878), as applied to the Hyderabad Assigned Districts, by the Notification of the Government of India in the Foreign Department, No. 1875-I., dated the 1st June, 1894, the Governor General in Council is pleased to extend all sections of the Act to sulphur in quantities exceeding ten seers.

[See *Gazette of India*, 1894, Pt. I, p. 333.]

Rules under section 11.

No. 1878-I., dated the 1st June, 1894.—In exercise of the powers conferred by section 11 of the Indian Arms Act (XI of 1878), as applied to the Hyderabad Assigned Districts, by the Notification of the Government of India in the Foreign Department, No. 1875-I., dated the 1st June, 1894, the Governor General in Council is pleased to direct that the following rules [being the rules made for British India under the Indian Arms Act (XI of 1878), subject to certain modifications] shall apply to the Hyderabad Assigned Districts :

RULES.*Transport, Import and Export.*

1. No arms or ammunition or military stores shall be transported in any part of the Hyderabad Assigned Districts without a license in Form I appended to these rules. The license will be granted by the Deputy Commissioner of the district. If the articles are to be consigned to a place beyond the jurisdiction of the officer granting the license, the consent of the Deputy Commissioner of the district to which the consignment is made must be obtained before the license is issued. Such consent may be obtained by the person applying for the license, or the Deputy Commissioner to whom application for the license is made may forward the proposed license to the officer whose consent is required; and on receiving reply may either issue the license to the applicant, or inform him that his application for a license to transport arms, etc., has been refused. The fee payable in respect of every such license shall be ten rupees.

2. Persons lawfully entitled to possess arms, or to go armed, are permitted to transport in any part of the Hyderabad Assigned Districts arms and ammunition in reasonable quantities for their own use. Any person abusing this exemption, and transporting such articles otherwise than in reasonable quantities for his own

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments.—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

use, will be held to have contravened this rule, and will, on conviction, become liable to the penalties under sections 13 and 14.

3. A person licensed to possess arms, ammunition, or military stores, or who is exempted from the liability to take out such a license, is entitled to transport to his residence from the premises of a licensed dealer arms, ammunition, or military stores without a separate transport license so long as the articles purchased are in reasonable quantity and for his own use. A licensed dealer in arms, ammunition, and military stores may supply the order of any such person, and may, without a separate transport license, send or despatch in any way desired to the residence of the purchaser the articles ordered by any such persons so long as they fulfil the requirements of rule 2, and are legibly addressed to the person for whom they are intended.

4. A license to transport arms or ammunition or military stores is void if the consignment breaks bulk at any place short of the district for which it may be granted. A license to transport shall ordinarily not be made valid for more than twice the period actually required for the conveyance of the articles to their destination by the intended route.

5. No license shall be granted, save by the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Foreign Department, for the importation into the Hyderabad Assigned Districts of any rifles, or parts of or fittings for rifles, except rifles or parts of or fittings for rifles of such quality or in such quantity as may reasonably be held to be intended for *bonâ fide* sporting purposes.

6. Licenses to import into the Hyderabad Assigned Districts arms (other than arms for which the Governor General in Council is to issue licenses under rule 5), ammunition, or military stores may be granted by the Deputy Commissioner of the district to which such arms, ammunition, or military stores are consigned. The fee payable in respect of each such license shall be rupees five; but officers granting such licenses are empowered to remit the fee when the arms, ammunition, or military stores are of a reasonable quantity, and such officers are satisfied that they are required *bonâ fide* for purposes of protection of person or property. In the case of arms, ammunition, or military stores imported into the Hyderabad Assigned Districts from any other part of the territories of His Highness the Nizam or from any other Native State, a copy of the license shall be sent by the officer granting it to the Secretary for Berar to the Resident at Hyderabad. If the district to which the articles to be imported are consigned is other than a frontier district, and they are to cross the frontier by road or river, a copy of the license shall also be sent to the Deputy Commissioner of the frontier district, who shall, if he thinks necessary, before permitting the arms, ammunition, or military stores to leave his district, require the holder of the license to produce them for his inspection. If the articles are to cross the frontier by rail, a copy of the license shall be sent in the case of consignments despatched from a Presidency town to the Commissioner of Police, and in other cases to the Magistrate of the district from which the articles are to be despatched. In such cases the Commissioner of Police or the Magistrate of the district, as the case may be, should at once forward a copy of the license to the railway authorities at the place of despatch. And the railway authorities shall in every such instance satisfy themselves before delivery that the arms, ammunition, or military

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments.—2 (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878 (XI of 1878)—contd.***Rules under section 11—*contd.***

stores claimed by any consignee correspond with the description given in the original license, which the said consignee must produce, and also that the said license is identical in substance with the copy sent to them by the Commissioner of Police or Magistrate of the district. If the license is not produced, or the arms, ammunition, or military stores claimed do not correspond with the description in the license, the railway authorities will give immediate notice of the fact to the nearest Magistrate.

The license shall be prepared in Form II appended to these rules.

7. Licenses to export arms or ammunition or military stores by road or by river to any place beyond the border of the Hyderabad Assigned Districts, and not within the limits of British India, may be granted by the Secretary to the Government of India in the Foreign Department, or by the Resident at Hyderabad, or by an officer authorised by the Government of India or by the Resident to grant such license.

Licenses granted under this rule will be prepared in Form III, and be charged with a fee of rupees five, except in such cases as the Government of India in the Foreign Department or the Resident at Hyderabad may grant exemption from, or reduction of, the prescribed fee.

Copies of such licenses shall be sent on the day of issue to the Resident at Hyderabad and to the Political Officer of the State to which the articles are to be exported. If the articles are to be carried across the frontier by rail, a copy of the license should be sent to the Deputy Commissioner of the district from which the articles are to be despatched. In such cases the Deputy Commissioner of the district should at once forward a copy of the license to the railway authorities at the place of despatch. No railway company shall receive for despatch any box, package or bale containing arms, ammunition, or military stores as defined in the Indian Arms Act (XI of 1878), as applied to the Hyderabad Assigned Districts and the rules framed thereunder, unless covered and accompanied by the original license granted under these rules; and the railway authorities shall in every instance satisfy themselves that the goods tendered to them for conveyance correspond to the description given in such license and that the license is identical with that forwarded to them by the Deputy Commissioner of the district.

8. Persons desirous of transporting, importing, or exporting arms, ammunition, or military stores in, into, or from the Hyderabad Assigned Districts, must apply in writing to the nearest officer authorised to grant a license. The application must specify—

- (a) the place to which the articles are to be transported, imported, or exported; the route of transport, import, or export; and the probable time that will be occupied in the journey;
- (b) the quantity, description, average price, and the purpose of each kind of arms or ammunition; or
- (c) in the case of transport or export, whether the applicant has obtained the consent of the Magistrate or Police-officer of the place of consignment. [If so, the evidence of such consent must be produced.]

9. Persons transporting, importing by road, or exporting arms, ammunition, or military stores under a license must write legibly on the cases or packages containing such articles an account of their contents.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

10. In the case of transport or import, the consignee must, within six days of the articles reaching their destination, deliver the transport or import license to the Deputy Commissioner of the district. In the case of articles exported from the Hyderabad Assigned Districts to any place not within the limits of British India, the export license must within six days of the consignment reaching the frontier district, and before it leaves the Hyderabad Assigned Districts, be delivered [by the consignee or his agent, or, if the arms, ammunition, or military stores are in charge of any person travelling with them, by that person]¹ to the Magistrate of the frontier district, or other officer empowered by him on this behalf. In the case of articles imported into the Hyderabad Assigned Districts, the import license must, within six days of the consignment entering the Hyderabad Assigned Districts, be shown to the Magistrate of the frontier district or other officer empowered by him in this behalf.

11. The officer to whom the transport, import, or export license, as the case may be, may be delivered under rule 10 must satisfy himself that the articles correspond with the entries in the license, and that any deficiency is properly accounted for.

Manufacture and Sale.

12. Licenses to manufacture, convert, keep, and sell arms or ammunition or military stores may be granted by the Deputy Commissioner of the district. They shall be in Forms IV and V appended to these rules. The fee, payable in stamps, shall be twenty rupees in respect of licenses to manufacture, convert, and sell, and ten rupees in respect of licenses to keep and sell arms, ammunition, or military stores. Every license-holder under this rule shall keep in such form as the Resident at Hyderabad may from time to time direct, registers of all arms manufactured or converted, of all ammunition and military stores manufactured, of all stock in hand, and of all sales. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police-officer not below the rank of Inspector. Magistrates and all Police-officers not below the rank of Inspector are hereby empowered to enter and inspect any premises within their several jurisdictions in which arms or ammunition or sulphur are or is manufactured or kept, and to examine the stock and accounts of receipts and sales of arms, ammunition and military stores. Any person licensed to sell arms and ammunition shall affix on a conspicuous part of his shop or usual place of business a signboard, on which shall be painted in large letters in English, or in the vernacular of the district, his name and the words "Licensed to manufacture (or, as the case may be, 'Licensed to deal in') arms, ammunition, and military stores." He shall also post up in his shop a copy of section 22 of the Indian Arms Act (XI of 1878), as applied to the Hyderabad Assigned Districts, either in the vernacular of the district or in English.

Possession of arms, and going armed.

13. Licenses to possess cannon shall not be granted, save under the special order of the Governor General in Council, certified under the signature of the Secretary to the Government of India in the Foreign Department. A copy of such

¹ Added by Notification No. 208-I., dated the 15th January, 1896, see *Gazette of India*, 1896, Pt. I, p. 35.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

license, so certified, must be sent immediately on its issue to the Deputy Commissioner of the place where the cannon is to be kept.

14. Licenses to possess arms and ammunition in reasonable quantities and to go armed for purposes of sport, of protection, or of display may be granted by the Deputy Commissioner of the district, or any Magistrate specially authorised in this behalf by the Resident in Form VI. Such licenses shall be liable to a fee of four annas for each weapon. Such a license will authorise its holder to carry the arms described in the license on occasions when they may be reasonably required for the purposes named in the license. But the holder, unless specially authorised by the Deputy Commissioner, must not go armed in railway carriages, to fairs, religious processions, or other public assemblages. Licenses granted under this rule shall, on countersignature by the Commissioner, Hyderabad Assigned Districts, or other officer authorised in this regard by the Resident at Hyderabad, be valid for [such]¹ districts of the Hyderabad Assigned Districts² [as may be specified by the countersigning officer].

15. Any Deputy Commissioner may grant a license in Form VII for a journey, specifying the direction of the journey and the period it will occupy. Such license will be valid in other jurisdictions only for such journey and for such period, and will be liable to a fee of four annas for each weapon. Holders of licenses under this rule, unless specially authorised by the officer granting the licenses, must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

* When a Deputy Commissioner receives an application for a license in Form VII from a person who is not resident within his jurisdiction, or is not personally known to him, he shall, before granting the license, ascertain from the Deputy Commissioner of the district in which the applicant resides whether there is any objection to the grant of the license, unless for reasons to be recorded he considers his precaution to be clearly unnecessary.

16. Licenses simply to possess fire-arms or ammunition or military stores may be granted in Form VIII without fee³ [and shall be valid for five years]. Such licenses will not authorise the holders to go armed or to carry arms.

17. Licenses for possession of arms and ammunition may be granted in Form IX without fee, and for a term of five years, to persons who require arms for the destruction of wild animals which do injury to human beings, cattle, or crops. Such a license will be valid only in or on the immediate confines of the district for which it is granted. It will be subject to the conditions that the license and the weapon it covers is shown once a year, between the 15th November and the 31st December, to the nearest Magistrate, that the weapon becomes confiscated to Government directly it is sold or seized in execution of any debt; and that such weapon is carried only on occasions when it is to be used *bonâ fide* for the destruction of wild animals. Holders of licenses under this rule must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

¹ The word "such" was substituted for the words "all the" by Notification No. 208-I., dated the 15th January, 1896, see *Gazette of India*, 1896, Pt. I, p. 35.

² These words in Rule 14 and this paragraph in Rule 15 were added by the same Notification.

³ These words were added by notification No. 2820-I.B., dated the 29th September, 1899, see *Gazette of India*, 1899, Pt. I, p. 858.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878 —contd.***Rules under section 11—*contd.***

18. Licenses may be granted to contractors, cultivators, and other persons without payment of any fee, entitling the holder to possess and transport gunpowder and fuses in reasonable quantities when the same are proved to the satisfaction of the officer granting the license to be required *bonâ fide*, in the case of licenses granted to contractors, for blasting purposes, and in the case of licenses granted to cultivators and persons for similar purposes in connection with agricultural works or works of public utility. Such licenses shall be given in Form X appended to these rules.

19. Licenses may be granted to contractors and other persons without payment of any fee, entitling the holder to transport dynamite, blasting gelatine, and detonating caps in reasonable quantities when the same are proved to the satisfaction of the officer granting the license to be required *bonâ fide* for blasting purposes. Such licenses shall be given in Form X appended to these rules.

20. Licenses for the importation, possession, or transport of sulphur proved to the satisfaction of the Resident to be intended only for *bonâ fide* medicinal, manufacturing, or agricultural purposes may be granted without payment of any fee. This concession does not extend to sulphur intended for the manufacture of gunpowder or of "ammunition" generally as defined in section 3 of the Indian Arms Act (XI of 1878) as applied to the Hyderabad Assigned Districts.

General.

21. The fees leviable under these rules shall be taken in the shape of "impressed stamps." Ordinarily the applications for licenses or renewals of licenses shall be written on "impressed stamps" of value equal to the amount of fee leviable in respect of such licenses or renewals; and the licenses will be issued on plain paper. But when the licenses themselves are written or printed on "impressed stamps," the applications may be on plain paper. When an application for a license is written on an "impressed stamp," and the license is refused, the value of the stamp shall be refunded to the applicant.

22. Applications for licenses in respect of which no fee is leviable, or regarding licenses on which the full fee has been paid, shall be considered to be applications within the meaning of Schedule II, article I, clause (a), of the Court-fees Act (VII of 1870) as applied to the Hyderabad Assigned Districts,¹ and shall bear a court-fee stamp of one anna.

23. All licenses under rules 12 and 14 shall expire on the 31st December of the year for which they may be issued; licenses under rule 17 shall expire on the 31st December of the fifth year of their currency. But the currency of a license may be renewed, previous to its expiration, on payment of a second fee, by the same authority that granted it.

24. When a license granted in accordance with these rules is lost, or accidentally destroyed, a duplicate may be granted to the licensee on payment of the same fee as he paid on the original license if not in excess of one rupee, and in any other case on payment of a fee of one rupee. Cultivators or other persons to whom licenses may

¹ See Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

have been granted without payment of any fee may obtain duplicates of such licenses if lost or destroyed free of all fee.

25. All licenses shall be given and held subject to the conditions endorsed on the reverse, and subject to these rules and subject to the provisions of the Act. Licenses under rules 14 and 17 may be granted subject to the observance of a closed season in the pursuit of game birds or animals that do not injure either men or cattle or crops. The limits of the close season will be decided by the Resident, and the condition regarding such close season, if imposed, shall be endorsed on the reverse of the license.

26. Any person holding a license, or acting under a license granted in accordance with these rules, shall be bound to produce the same when called upon to do so by any Magistrate, or by any Police-officer in charge of a police-station, or by any Police-officer of higher rank.

27. Licenses granted for use within the Hyderabad Assigned Districts shall be written or printed in Marathi. Licenses granted for use beyond the Hyderabad Assigned Districts shall be in English, and may be in Marathi as well.

28. A license granted under these rules will cover only the weapons or other articles and the persons named therein, unless the officer granting a license under rule 14 or rule 15 deems it expedient to include the retainers of any person named in the license : in such case the entry on the face of the license shall declare how many and whose retainers are covered by the license.

29. Any officer empowered to grant a license under these rules may at his discretion refuse to grant, to renew, or to consent to the issue of a license, or may refer any application for the orders of the Resident.

30. All Magistrates or other authorities acting under these rules will perform their duties subject to the control of their executive superior and of the Resident.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.*Rules under section 11—*contd.*

FORM I.

FEE TEN RUPEES IN STAMPS.

License to transport arms, ammunition, or military stores in the Hyderabad Assigned Districts.

Name, etc., of license-holder and agent, if any, authorized for the purpose of this consignment.	Place of license-holder business.	Number of packages.	ARMS.		AMMUNITION		Place of despatch, route, and mode of transit.	Time for which pass is valid.	Destination.	Name and residence of consignee.
			Description.	Number.	Description.	Number or weight in seers.				
								From the _____		
								to the _____		
								_____ 189 .		

Date on which consent was given by the _____ of the _____ of the _____ where _____ of the _____ the place of consignment. _____ place of despatch.

The _____ 189 . The _____ 189 .

Seal.

This license is subject to all the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and of the rules framed thereunder.

This license is void after the expiration of the period named, or if bulk is broken before reaching the place of destination, or if the articles are taken by any route other than is specified on the license.

The contents of each package covered by this license must be described in legible letters on the outside of such package.

The articles covered by this license will be delivered only to persons lawfully entitled to possess the same.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

This license must be delivered to the Deputy Commissioner of the district to which the articles are consigned, and the articles must be available for exhibition to such Deputy Commissioner within six days of the consignment reaching his district.

The officer granting this license must send a copy thereof on the day of issue to the Deputy Commissioner of the district above described.

When the license is granted for transport within the limits of the same district the license must be given up to the local Magistrate (if any) having jurisdiction in the place to which the articles are consigned, who will satisfy himself that the conditions have been complied with, and return the license to the Deputy Commissioner. The Deputy Commissioner will send copies of any license granted by him for transport within the district to the local Magistrate having jurisdiction. Where there is no local Magistrate, the license must be returned to the Deputy Commissioner.

FORM II.

FEE FIVE RUPEES IN STAMPS.

License to import arms, ammunition, or military stores into the Hyderabad Assigned Districts.

Name, etc., of license-holder and agent, if any.	Number of packages.	ARMS.		AMMUNITION OR MILITARY STORES.		Place of despatch and route.	Purpose for which consignment is required.	Destination.	Name and residence of consignee.	Period for which license is valid.
		Description.	Number.	Description.	Weight or number.					
										from the _____ of _____ to the _____ of _____ 189 .

Seal.

The _____ 189 .

(Signature.)

Deputy Commissioner of the _____ District.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

This license is valid only for the period and the route named herein.

It becomes invalid if bulk is broken or the consignment is stopped at any place on the journey.

It is given subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and the rules framed thereunder.

The contents of each package covered by this license shall be described in legible characters on the outside of such package.

This license must be delivered to the Deputy Commissioner when the articles covered by it reach their destination. In the case of consignments crossing the frontier by road or river, the articles must, within six days of their entering the Hyderabad Assigned Districts, be available for exhibition to the frontier Magistrate or other officer whom he may empower in this behalf. In case of consignments crossing the frontier by rail, this license must be shown to the railway authorities of the station of despatch.

FORM III.

FEE FIVE RUPEES IN STAMPS.

License to export arms, ammunition, or military stores to any place beyond the border of the Hyderabad Assigned Districts, and not within the limits of British India.

Name, etc., of licenseholder and agent, if any.	Number of packages.	ARMS.		AMMUNITION OR MILITARY STORES.		Place of despatch and route.	Purpose for which consignment is required.	Destination.	Name and residence of consignee.	Period for which license is valid.
		Description.	Number.	Description.	Weight or number					
										From the _____ of _____ 189
										to the _____ of _____ 189

The _____ 189 . Secretary to the Government of India, Foreign Department.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

This license is valid only for the period and the route named herein.

It becomes invalid if bulk is broken or the consignment stopped at any place on the journey.

It is given subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and of the rules framed thereunder.

The contents of each package covered by this license shall be described in legible characters on the outside of such package.

The license must be delivered to the railway authorities or to the frontier Deputy Commissioner or other officer empowered by him to receive export licenses on his behalf as provided in rules 7 and 10. In the case of consignments crossing the frontier by road or river, the articles must be made available for exhibition to the frontier Magistrate or other principal officer within six days of their reaching the frontier district, and before they leave the Hyderabad Assigned Districts.

FORM IV.

FEE TWENTY RUPEES IN STAMPS.

License to manufacture, convert, or sell, or to keep for sale, arms, ammunition or military stores.

Serial No of license.	Name and residence of license- holder.	Place of business, factory, or shop	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION OR MILITARY STORES		Date on which license expires.
			to be manu- factured or converted	to be sold or kept for sale.	to be manu- factured.	to be sold or kept for sale.	
							The 31st of De- cember 189 .

_____ District.

_____ (Signature.)

Seal.

_____ 189 .

_____ of _____

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

cular of the district, his name and the words "Licensed to manufacture (or, as the case may be, 'Licensed to deal in') arms, ammunition, and military stores." He shall also post up in his shop a copy of section 22 of the Act, as applied to the Hyderabad Assigned Districts, either in the vernacular of the district or in English.

6. He shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VI or VII, (1) the name and address of the person who takes delivery of the articles sold; (2) the nature and amount of the articles sold; and (3) the date of sale; and shall sign the endorsement.

7. This license only covers sales of arms, ammunition, or military stores effected upon the premises shown on the face of the license.

8. The licensee shall not sell arms to a soldier of the Native Army unless he produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass.

9. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

Sections of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, referred to in Condition No. 1.

4. No person shall manufacture, convert, or sell, or keep, offer, or expose for sale, any arms, ammunition, or military stores except under a license, and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 21 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest police-station, notice of the sale and of the purchaser's name and address.

10. Any person possessing arms, ammunition, or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police-station.

If the owner of anything deposited under this section does not, within three years from the date on which such thing is so deposited, produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited.

13. Whoever commits any of the following offences (namely):—

- (a) manufactures, converts, or sells, or keeps, offers, or exposes for sale, any arms, ammunition, or military stores in contravention of the provisions of section 4;

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—2- (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

(b) fails to give notice as required by the same section ;

* * * *

(g) intentionally makes any false entry in a record or account which by a rule * * * he is required to keep ;

(h) intentionally fails to exhibit anything which by a rule * * * he is required to exhibit ; or

(i) fails to deposit arms, ammunition, or military stores as required by * section 10,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Whoever does any act mentioned in clause (a) * * * of section 13 in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or to the servant of any public carrier,

and whoever, on any search being made under section 19, conceals or attempts to conceal any arms, ammunition, or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

15. Whoever in violation of a condition subject to which a license has been granted does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 13 or 14, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

16. Whoever knowingly purchases any arms, ammunition, or military stores from any person not licensed or authorized under the proviso to section 4 to sell the same, or

delivers any arms, ammunition, or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

17. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

18. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition, or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition, or military stores, and any vessel, cart, or baggage-animal used to convey the same, and any box, package, or bale in which the same may have been concealed, together with the other contents of such box, package, or bale, shall be confiscated.

B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—contd.

Rules under section 11—contd.

FEE TEN RUPEES IN STAMPS.

License to keep and sell arms, ammunition, or military stores.

Serial No. of license.	Name and residence of license-holder.	Place of business	DESCRIPTION OF		Date on which license expires.
			Arms.	Ammunition and military stores.	
					The 31st Decem- ber 189 .

_____ District }
 _____ 189 . }

(Signature)
 _____ of _____

Form of renewing the license.

[illegible]

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

1. This license is given subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and the rules framed thereunder. The attention of the holder is drawn to the sections of the Act quoted separately below.

2. He shall keep registers of all arms and ammunition in stock, and of all sales in such form as the Resident at Hyderabad may from time to time direct.

3. He shall exhibit his stock and his registers on demand by any Magistrate or by any Police-officer not below the rank of Inspector.

4. If any arms or ammunition covered by this license are lost or stolen, he shall at once give notice at the nearest police-station.*

5. He shall affix on a conspicuous part of his shop or usual place of business a signboard, on which shall be painted in large letters in English, or in the vernacular of the district, his name and the words "Licensed to deal in arms, ammunition, and military stores." He shall also post up in his shop a copy of section 22 of the Act, as applied to the Hyderabad Assigned Districts, either in the vernacular of the district or in English.

6. He shall at the time of purchase endorse upon the license of every purchaser holding a license under Form VI or VII, (1) the name and address of the person who takes delivery of the articles sold; (2) the nature and amount of the articles sold; and (3) the date of the sale; and shall sign the endorsement.

7. This license only covers sales of arms, ammunition, or military stores effected upon the premises shown on the face of the license.

8. The licensee shall not sell arms to a soldier of the Native Army unless he produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass.

9. This license expires on the 31st December of the year in which it is issued, but the licensee can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

* *N. B.*—This condition may be omitted at the discretion of the Resident.

Sections of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, referred to in Condition No. 1.

4. No person shall manufacture, convert, or sell, or keep, offer, or expose for sale any arms, ammunition, or military stores except under a license, and in the manner and to the extent permitted thereby.

Nothing herein contained shall prevent any person from selling any arms or ammunition which he lawfully possesses for his own private use to any person who is not by any enactment for the time being in force prohibited from possessing the same; but every person so selling arms or ammunition to any person other than a person entitled to possess the same by reason of an exemption under section 21 of this Act shall, without unnecessary delay, give to the Magistrate of the district, or to the officer in charge of the nearest police-station, notice of the sale and of the purchaser's name and address.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

10. Any person possessing arms, ammunition, or military stores, the possession whereof by him has, in consequence of the cancellation or expiry of a license, become unlawful, shall deposit the same without unnecessary delay with the officer in charge of the nearest police-station.

If the owner of anything deposited under this section does not within three years from the date on which such thing is so deposited produce a license authorizing him to possess the same and apply for delivery of the same, such thing shall be forfeited.

13. Whoever commits any of the following offences (namely) :—

(a) manufactures, converts, or sells, or keeps, offers, or exposes for sale, any arms, ammunition, or military stores in contravention of the provisions of section 4;

(b) fails to give notice as required by the same section ;

* * * * * *

(g) intentionally makes any false entry in a record or account which by a rule * * he is required to keep ;

(h) intentionally fails to exhibit anything which by a rule * * he is required to exhibit ; or

(i) fails to deposit arms, ammunition, or military stores as required by * * * section 10.

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

14. Whoever does any act mentioned in clause (a) * * * of section 13 in such manner as to indicate an intention that such act may not be known to any public servant as defined in the Indian Penal Code, or to any person employed upon a railway, or to the servant of any public carrier,

and whoever, on any search being made under section 19, conceals or attempts to conceal any arms, ammunition, or military stores,

shall be punished with imprisonment for a term which may extend to seven years, or with fine, or with both.

15. Whoever in violation of a condition subject to which a license has been granted does or omits to do any act shall, when the doing or omitting to do such act is not punishable under section 13 or section 14, be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

16. Whoever knowingly purchases any arms, ammunition, or military stores from any person not licensed or authorized under the proviso to section 4 to sell the same, or delivers any arms, ammunition, or military stores into the possession of any person without previously ascertaining that such person is legally authorized to possess the same,

shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees, or with both.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section II—*contd.***

17. Any person violating any rule made under this Act, and for the violation of which no penalty is provided by this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

18. When any person is convicted of an offence punishable under this Act, committed by him in respect of any arms, ammunition, or military stores, it shall be in the discretion of the convicting Court or Magistrate further to direct that the whole or any portion of such arms, ammunition, or military stores, and any vessel, cart, or baggage animal used to convey the same, and any box, package, or bale in which the same may have been concealed, together with the other contents of such box, package, or bale, shall be confiscated.

FORM VI.

FEE FOUR ANNAS FOR EACH WEAPON, PAYABLE IN STAMPS.

License to possess arms or ammunition and to go armed for purposes of sport, protection, or display.

Serial No. of license.	Name of license-holder, with particulars of residence	Number of retainers, if any, covered by the license (rule 28)	Description of arms or ammunition.	Purpose for which granted.	District or place within which license is valid.	Date on which license expires.
						The 31st of December 189 .

(Signature)

The _____ of _____ 189 . } Seal. _____ of the _____

B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—contd.

Rules under section 11—contd.

Form of renewing the license.

[illegible]

* *N.B.*—This condition may be omitted at the discretion of the Resident.

¹ Substituted for the original paragraph by Notification No. 208-I., dated the 15th January, 1896, see *Gazette of India*, 1896, Pt. I, p. 35.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

The special attention of the license-holder is drawn to the following sections of the Act :—

Section 8.—No person shall go armed with any arms except under a license, and to the extent and in the manner permitted thereby.

Any person so going armed without a license or in contravention of its provisions may be disarmed by any Magistrate, Police-officer, or other person empowered by the Resident at Hyderabad in this behalf by name or by virtue of his office.

Section 13.—Whoever commits any of the following offences (namely) :—

(e) goes armed in contravention of the provisions of section 8 shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both ;

¹(f) has in his possession or under his control any cannon, fire-arms, ammunition or military stores in contravention of the provisions of section 9 ;

* * * * *

(g) fails to deposit arms, ammunition or military stores as required by section 9 or section 10.

9. This license expires on the 31st December of the year in which it is issued. The license-holder can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

FORM VII.

FEE FOUR ANNAS FOR EACH WEAPON,
PAYABLE IN STAMPS.

License to go armed—On a journey.

Name, etc., of license-holder, with particulars of his residence.	Number of retainers, if any, who may be covered by the license (rule 28).	Description of arms and ammunition covered by this license.	Place of departure, route, and destination of journey.	Time which journey will probably take.	Date from which, and to which, the license is valid.
					From the ____ th of ____ 189 to the ____ th of ____ 189 .

____ of ____ } (Signature)
____ 189 . } Seal. ____ of ____ District.

¹ Added by Notification No, 208-I., dated the 15th January, 1896, see *Gazette of India*, 1896, Pt. I, p. 35.

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.***

This license covers only the persons and the arms named herein, unless it is certified to cover retainers of the holder.

It is void after the expiration of the period named herein.

It is granted subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and the rules framed thereunder.

It does not permit holder, unless specially authorised by the Deputy Commissioner, to go armed in railway carriages, to fairs, religious processions, or other public assemblages.

The license-holder shall at the time of purchase have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature :—

- (1) the name and address of the person who takes delivery of the articles purchased ;
- (2) the nature and amount of the articles purchased ;
- (3) the date of purchase.

FORM VIII.**FREE OF ALL FEE.***License to possess firearms, ammunition, or military stores.*

Name, &c., of license-holder, with particulars of residence.	Number and description of weapons.	Description and quantity of ammunition or military stores.	Place with full details, where articles are to be kept.	Term for which license is valid.
				¹ For five years from the of

_____ } Seal. (Signature)
 The _____ of _____ 189 . Deputy Commissioner of the _____ District

This license protects only the weapons and articles named so long as they are kept in the place described on the license.

It does not authorise the holder to go armed or to carry arms.

It is granted subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and the rules framed thereunder.

¹ These words were substituted for the original words and figures by Notification No. 2820-I.B., dated the 29th September, 1899, see *Gazette of India*, 1899, Pt. I, p. 858.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*contd.*****FORM IX.****FREE OF ALL FEE.***License to possess arms and ammunition for the purpose of destroying wild animals.*

Name, etc., of licensee-holder, with particulars of residence.	Description of weapon.	Place or tract within which license is valid.	Terms for which license is valid.	Title and residence of Magistrate to whom the license and weapon must be shewn between the 15th November and the 31st December.
			From the _____ of _____ 189 to the 31st December 189 .	

_____ }
The ____ of ____ 189 .

(Signature)

Deputy Commissioner of the ____ District

This license is granted subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and the rules framed thereunder.

The holder is bound to show his license and weapon once a year to the Magistrate of ____.

This license is void if the holder sells his weapon ; if it is seized in execution of decree ; if it is carried to any considerable distance beyond the limits of the places named in the license ; or if he fails to show it once a year to the Magistrate aforesaid.

It is void on the death of the holder.

The holder must not go armed in railway carriages, to fairs, religious processions, or other public assemblages.

The holder is bound to observe a close season as prescribed by the Resident in respect to the undermentioned game-birds and animals which do no injury to men, cattle, or crops :

*Specification of animals or birds.**Close season.*

Notes of Magistrates to whom the license and weapon are periodically shown.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Rules under section 11—*concl'd.*****FORM X.****FREE OF ALL FEE.**

License to possess and transport gunpowder and fuses, or to transport dynamite, blasting gelatine and detonating caps for bonâ fide blasting purposes.

Name of license-holder, with particulars of residence.	COLUMNS TO BE FILLED IN IN CASES OF TRANSPORT.			Quantity of gunpowder and fuses.	District or place within which license is valid.	Term for which license is valid.
	Place of destination, route, and mode of transit.	Time for which license is valid.	Destination.			
		From the				
		to the				
		189 .				

This license is subject to the provisions of the Indian Arms Act, 1878, as applied to the Hyderabad Assigned Districts, and the rules framed thereunder.

It covers only the person and the quantity of gunpowder and fuses named therein.

It extends only to the district or place named therein, and is void after the expiration of the term mentioned.

In cases of transport—

the license becomes void if the time occupied in transit exceeds the period specified, or if the consignment breaks bulk before reaching the place of destination, or if the articles are taken by any other route than that specified in the license;

the contents of each package covered by the license must be described in legible letters on the outside of such package; and

on arrival at their destination, the articles must be available for exhibition to the Deputy Commissioner of the district or other principal officer.

[See *Gazette of India*, 1894, Pt. I, p. 316.]

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2 (b)-Local Rules and Orders under [British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Exemption of certain weapons from operation of the Act.**

No. 1876-I., dated the 1st June, 1894.—In exercise of the powers conferred by section 21 of the Indian Arms Act (XI of 1878), as applied to the Hyderabad Assigned Districts, by the Notification of the Government of India in the Foreign Department, No. 1875-I., dated the 1st June, 1894, the Governor General in Council is pleased—

- (1) to exclude from the operation of any prohibition or direction contained in the said Act—
 - (a) bows and arrows ;
 - (b) uniform swords and dirks manufactured in Europe of recognised military or official patterns¹ [when possessed by, or intended to be supplied to, persons entitled to wear them as part of their uniforms] ;
 - (c) swords imported for presentation as army or volunteer prizes ;
 - (d) ornamental arms of an obsolete pattern possessing only antiquarian value, provided they are virtually useless for offensive and defensive purposes ; and
 - (e) spears of all kinds and hunting knives, except when possessed and carried by persons or classes whom the Resident may from time to time prescribe by notification in the local official Gazette ; and
- (2) to exclude gun-wads and wire cartridges from the operation of section 5 of the said Act.

[See *Gazette of India*, 1894, Pt. I, p. 314.]

Persons exempted from the operation of the Act.

No. 1877-I., dated the 1st June, 1894.—In exercise of the powers conferred by section 21 of the Indian Arms Act (XI of 1878), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 1875-I., dated the 1st June, 1894, the Governor General in Council is pleased to exempt from the operation of all prohibitions and directions contained in sections 8, 9 and 10 of the said Act, other than those referring to cannon, articles designed for torpedo service, war-rockets and machinery for the manufacture of arms and ammunition, the following persons: "Provided that, except where otherwise expressly stated, the arms or ammunition carried or possessed by such persons shall be for their own personal use and shall not exceed such quantities (if any) as the Resident may, from time to time, declare to be reasonable for them to carry or possess in the Hyderabad Assigned Districts.

1. All Maharajas, Rajas, Nawabs, and members of any Order of Knighthood ; all persons bearing a title conferred by the Government of India ; all persons who have been granted a sword in public darbar ; all persons who received certificates on the 1st January, 1877 ; and all persons who are exempted from personal attendance at Civil Courts.

¹ These words were added by Notification No. 203-I., dated the 15th January, 1896, see *Gazette of India*, 1896, Pt. I, p. 35.

² Substituted for the word "namely" by Notification No. 2395-I. B., dated 1st September, 1898, see *Gazette of India*, 1898, Pt. I, p. 947.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act, 1878—contd.***Persons exempted from the operation of the Act—*contd.***

2. All members and ex-members of the Council of the Governor General, or of the Council of the Governor of Madras or Bombay, or of the Lieutenant-Governor of Bengal, or of the North-Western Provinces and Oudh,¹ the Punjab and Burma.¹

3. All military and naval officers, all soldiers (including men transferred to the Indian Reserve Forces), [or]² sailors [in the service of Her Majesty the Queen, Empress of India],² [all]² volunteers, and such officers of the Police (including members of the Thagi and Dakaiti Department), Forest, Postal, Telegraph, Jail, Salt, Opium, and Excise Departments as the Resident may by general or special order direct.

* * * * *

4. All Magistrates, Justices of the Peace,² [Extra Assistant Commissioners] and special Magistrates, and all officers of the Public Works Department of and above the rank of Assistant Engineer.

5. All European and East Indian subjects of Her Majesty the Queen, Empress of India; all Armenians; and all Americans and Europeans, not British-born subjects of Her Majesty, who are temporarily residing or travelling in the Hyderabad Assigned Districts.

6. All Consuls and Consular Agents, and all duly accredited Vakils or Agents of Native States.

7. ⁴[Subject only to such conditions (if any) as may be prescribed by the Resident], all ruling chiefs [and such members of the families or high officials of Native Chiefs² as the Resident at Hyderabad may from time to time designate] on the occasions of their entering or residing in the Hyderabad Assigned Districts, with their retinues to such numbers as may in each case be settled by the Political Officer in communication with the Resident, and all officials of such Chiefs passing through the Hyderabad Assigned Districts on duty.

8. All pensioned officers of the Native Army, and such pensioned officers of the civil departments as the Resident may by general or special order direct.

* * * * *

9. The following personages and their retainers :

(a) the Melghat Rajas ;

(b) any other personages or classes of personages (with their retainers) who may from time to time be exempted in British India from the operation of prohibitions and directions contained in sections 13 to 16 of the said Act, subject to such orders as the respective Local Governments may issue regarding the personages to be included in these categories, and the number of weapons and of retainers in each case.

¹ This paragraph was substituted for the original paragraph by Notification No 3248-I.B., dated the 26th August, 1897—see *Gazette of India*, 1897, Pt. I, p. 773.

² Added by Notification No. 208-I., dated the 15th January, 1896—see *Gazette of India*, 1896, Pt. I, p. 35.

³ Cancelled by Notification No. 2395-I. B., dated the 1st September, 1898—see *Gazette of India*, 1898, Pt. I, p. 947.

⁴ Inserted by notification cited in the third footnote.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Arms Act 1878—concl'd.***Persons exempted from the operation of the Act—*concl'd.***

10. Landholders and members of Municipal Committees or District Boards of approved loyalty and of good position according to lists that may from time to time be issued by the Resident.

11. All office-bearing patels for the period of their office.

12. All heads of villages, ghatwals, dighwars, and other rural police in respect of such arms as the Resident may from time to time notify to be necessary for the discharge of their duties.

13. All revenue officials and postal runners in frontier or wild districts where the superior departmental officers direct them to carry arms on duty.

14. Such subordinate officials of the Geological Survey of India as may from time to time be authorised by the Superintendent of the Geological Survey to possess or carry arms, the number and description of which should be specified in each case.

[See *Gazette of India*, 1894, Pt. I, p. 315.]

Rules under s. 18(2) of the Factories Act, 1881, as to submission of certain Returns.

No. 1389-I., dated the 25th April, 1893.—In exercise of the power conferred by sub-section (2) of section 18 of the Indian Factories Act (XV of 1881), as amended by the Indian Factories Act (XI of 1891), which Acts were respectively applied to the Hyderabad Assigned Districts by the Notifications of the Government of India in the Foreign Department, No. 207-I., dated the 16th January, 1884, and No. 4043-I., dated the 2nd October, 1891, the Governor General in Council is pleased to make the following rule:—

Every occupier of a factory in the Hyderabad Assigned Districts shall furnish to the Magistrate of the District the undermentioned returns on or before the dates specified against each :—

B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.*

I.—On or before the 15th July and the 15th January in each year, a half-yearly return relating to the first and second half of each calendar year respectively in the following form:—

[illegible]

The average daily number of children is to be taken from the register of children kept in the factory.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.***

Rules under s. 18 (2) of the Factories Act, 1881, as to submission of certain returns—*concl'd.*

II.—On or before the 5th January of each year, an annual return in the following form regarding measurements and space:—

Name and situation of factory.	Name of occupier.	Measurements and cubical contents of each room in the factory..	Area of the floor space of any room shown in the preceding column occupied by machinery or other fixtures.	REMARKS.

III.—Before the end of each calendar month, a return giving notice of all the days on which the factory will be closed during the ensuing month.

[See *Gazette of India*, 1893, Pt. I, p. 228.]

Order under the Indian Telegraph Act, 1885, applying Rules in force in British India.

No. 1249-I., dated the 19th March, 1891.—In continuation of the Foreign Department Notification No. 4116-I., dated the 16th October, 1888, applying the provisions of Act XIII of 1885 (the Indian Telegraph Act) to the Hyderabad Assigned Districts, subject to certain modifications, the Governor General in Council is pleased to direct that the rules in force from time to time under the said Act in British India shall be deemed to be similarly in force in the Hyderabad Assigned Districts.

[See *Gazette of India*, 1891, Pt. I, p. 150.]

Order under s. 2 of the Suits Valuation Act, 1887, extending Part 1.

No. 4503-I., dated the 9th November, 1891.—In exercise of the powers conferred by section 2 of the Suits Valuation Act (VII of 1887) as applied to the Hyderabad Assigned Districts, the Governor General in Council is pleased to extend Part I of the said Act to the said Districts, and to direct that it shall come into force therein on the 1st January, 1892.

[See *Gazette of India*, 1891, Pt. I, p. 638.]

Orders under the Indian Railways Act, 1890.

No. 3387-I.B., dated the 31st October, 1896.—In exercise of the powers conferred by sections 16, 47, 84, 85 and 135 of the Indian Railways Act (IX of 1890), read with section 148, sub-section (1), of the same Act, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 1332-I., dated the 23rd March, 1891, the Governor General in Council is pleased to issue the following orders:—

I.—The use of locomotive engines or other motive power, and rolling stock to be drawn or propelled thereby is sanctioned on all railways within the aforesaid Districts, whether they are for the time being (a) used for the public carriage of passengers, animals or goods; or (b) under construction or sanctioned for construction.

II.—The general rules for working open lines of railway which were published under the Notification of the Government of India in the Public

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments.—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.*****Orders under the Indian Railways Act, 1890—*concl'd.***

Works Department, No. 118, dated the 21st March, 1895, in the *Gazette of India* for 1895, Part I, page 173, shall, subject to such modifications as may from time to time be prescribed in respect of their application to the Great Indian Peninsula Railway, apply to all railways in the aforesaid districts, and for the time being used for the public carriage of passengers, animals or goods.

III.—The general rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which were published under the Notification of the Government of India in the Public Works Department, No. 480¹, dated the 30th October, 1890, in the *Gazette of India* for 1890, Part I, page 795, shall apply to such portions of the railways in the aforesaid Districts as may for the time being be under construction or sanctioned for construction.

IV.—Subject to the modification prescribed in the Circular of the Government of India in the Public Works Department, No. 18 Railway, dated the 2nd November, 1895, published in the *Gazette of India* for 1895, Part I, page 948, and any further modifications which may from time to time be prescribed for British India, the rules which were published with the Circular of the Government of India in the Public Works Department, No. 7 Railway, dated the 19th April, 1895, in the *Gazette of India* for 1895, Part I, pages 336 to 338, and the directions contained in paragraphs 2 and 3 of the Resolution embodied in that Circular shall apply to the railways in the aforesaid Districts.

V.—The provisions of the Notifications of the Government of India in the Public Works Department, No. 270, dated the 12th June, 1890, published in the *Gazette of India* for 1890, Part I, page 438, and No. 136, dated the 5th April, 1893, published in the *Gazette of India* for 1893, Part I, page 190, declaring railway administrations in British India to be liable to pay certain taxes in aid of the funds of local authorities, shall apply and shall be deemed to have applied (save as regards any tax actually paid or accrued due before the date of this notification) with effect from the dates which they bear, respectively, to the administrations of the railways existing in the aforesaid districts.

VI.—The Resolution of the Government of India in the Public Works Department, No. 240-R. T., dated the 14th June, 1889, is hereby cancelled in so far as it relates to railways in the aforesaid Districts.

[See *Gazette of India*, 1896, Pt. I, p. 869.]

Orders under the Cotton Duties Act, 1896

Prescribing a form of return for cotton yarn produced in mills in Berar.

No. 563-I., dated the 14th February, 1895.—In exercise of the power conferred by section 33, sub-section (1), clause (a), of the Cotton Duties Act (XVII of 1894),¹ as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 4462-I., dated the 27th

¹ See now s. 36 of the Cotton Duties Act, 1896 (II of 1896), which was applied by Notification No. 476-I., dated the 3rd February, 1896 (printed *supra*, p. 125), and under s. 2 (2) of which this notification is kept in force.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments 2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Cotton Duties Act, 1896 (II of 1896)—contd.*

Prescribing a form of return for cotton yarn produced in mills in Berar—*concl'd.*

December, 1894, the Governor General in Council is pleased to make the following rule, namely :—

The return of cotton yarn produced in any mill situated within the Hyderabad Assigned Districts, to be delivered to the Collector by the owner of such mill in accordance with the provisions of section 7 of the said Act, shall be in the form printed below, one line being given to each working day, and shall be verified by the owner by signing the certificate at foot of the form :—

Return of yarn produced at the Mills during the month of
prepared and delivered to the Collector of in accordance with
section 7 of Act XVII of 1894.

DAY OF THE MONTH.	Number of spindles at work.	YARN IN COPS.												THROSTLES.				TOTAL.
		No.		No.		No.		No.		No.		No.		No.				
		lb	oz.	lb	oz.	lb	oz.	lb	oz.	lb	oz.	lb	oz.	lb	oz.			
1																		
2																		
3																		
4																		
5																		
etc.																		
TOTAL																		
Deduct amount passed out of spinning section to be woven or otherwise manufactured.*†																		
Balance to be accounted for in spinning section *†																		
Estimated amount out of above yarns remaining unbundled at end of the month *																		

* These lines need not be filled up for yarn of any counts not exceeding 20s.

† These entries are required only in the case of mills which are weaving as well as spinning mills.

I (or we) certify that the above return contains, to the best of my (or our) information and belief, a true and complete statement of the yarns spun and produced in the mills during the month of .

Name
 Designation

Date

[See Gazette of India, 1895, Pt. I, p. 67.]

CHAPTER III.—BERAR—*contd.***B. British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Cotton Duties Act, 1896—contd.***Rules under section 36 of Act II of 1896.**

No. 716-I, dated the 20th February, 1896.—In exercise of the power conferred by section 36 of the Cotton Duties Act, II of 1896, as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 476-I., dated the 3rd February, 1896, the Governor General in Council is pleased to direct that the subjoined rules under the said Act shall be enforced in the said Districts in supersession of the rules made under Act XVII of 1894 and published with the Notification of the Government of India in the Foreign Department, No. 112-I., dated the 8th January, 1896.

RULES.**RETURN AND NOTICE OF ASSESSMENT.**

1. The return required by section 8 of the Cotton Duties Act, 1896, from the owner of every mill in which cotton goods are produced, shall be in Form A appended to these Rules, and shall contain the particulars indicated therein, shown separately for each description of goods and for goods of the same description but of different dimensions.

The declaration of the truth of such return shall be subscribed in the terms set forth at the foot of the said form.

2. Every mill-owner who has entered any cotton goods in column 5 of the return shall also deliver to the Collector, within 20 days after the date on which such return is due for delivery, the certificate required by section 18 of the Act.

3. When the return, duly completed, has been delivered to the Collector as provided in the Act, the Collector shall check the same in any manner that may appear to him desirable, and may, for such purpose, examine and compare, or cause to be examined and compared, the records and accounts of the mill. He shall ascertain that the quantities shown in column 5 of the return agree with those shown in the certificates issued, and shall also satisfy himself that the quantities shown as warehoused have been actually so dealt with.

4. The Collector, when satisfied that the return is correct, shall send to the mill-owner a statement in Form B appended to these Rules showing as due for the period to which the return relates the total duty assessed by him.

5. If the amount of the duty assessed is not immediately tendered, a notice may be served on the mill-owner under section 9, sub-section (I), of the Act, which shall be in Form C appended to these Rules.

FREE EXPORT AND DRAWBACK.

6. Every mill-owner exporting goods direct from the mill shall, at the time of delivering the return referred to in Rule 1 of these Rules, furnish the Collector of Customs at the port of shipment with a return in Form D, and, at the time of putting in the shipping bills, with the particulars indicated in Form E appended to these Rules.

7. (1) Every mill-owner selling goods for future export shall, unless it is otherwise provided by the contract, be bound to furnish the purchaser on request with

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Cotton Duties Act, 1896—contd.***Rules under section 36 of Act II of 1896—*contd.***

the particulars indicated in Form E, and to fill in the certificate of sale at the foot of the form.

[He shall also furnish a return in Form D with respect to such goods, at the same time and to the same authority as is required by Rule 6 in the case of goods exported by him direct.]¹

(2) If the exporter of the goods desires to claim certificate or drawback in respect of such goods, he shall supply to the Collector the particulars indicated in Form F at the time of putting in the shipping bills.

8. The Collector of Customs at the port of shipment may then take such steps as may be necessary to satisfy himself that the goods brought for export correspond with the description given in Form E, and that their contents are as therein stated. When satisfied on these points, and after the goods have been exported, the Collector shall—

(1) If the goods have not been assessed in any return received before the application for export is made—
issue a certificate in Form F;

(2) if the goods have been so assessed—
grant drawback on proof of payment of duty on the goods in respect of which the claim for drawback is made.

9. The certificate issued in Form F may be made over to the exporter of the goods, if the mill-owner has given authority for that purpose.

10. A record shall be maintained in the office of the Collector of Customs at the port of shipment of all certificates so issued.

11. All certificates delivered in accordance with Rule 2 of these Rules shall be filed in the Collector's office.

12. If goods on which duty has been paid are exported by the owner of the mill in which they were produced, the Collector may credit the amount of drawback allowed thereon against the next demand for duty, in the event of such duty being payable to him.

MILL REGISTERS AND RECORDS.

13. Every bale of goods made up at a mill shall be stamped with a consecutive number, which shall be entered at the time of baling in a register to be called the Bale Register. It shall further be marked before it is issued out of the premises of the mill with the date of issue.

14. The Bale Register shall show—

- (1) the consecutive number of the bale;
- (2) the description of goods contained in the bale;
- (3) the "real value" of the goods;
- (4) the number of pieces of piece goods;

¹ This paragraph was added by Notification No. 181-I.A., dated the 15th January, 1897—see *Gazette of India*, 1897, Pt. I, p. 27.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Cotton Duties Act, 1896—contd.***Rules under section 86 of Act II of 1896—*contd.***

- (5) the dimensions and weight of the goods ; and
- (6) the date on which the bale is issued out of the premises of the mill.

15. All other goods not baled and marked in accordance with Rule 13 shall be entered in a register of goods issued out of the premises of the mill, in which shall be entered the description, weight and real value of all such goods.

SPECIAL PROVISIONS FOR BLEACHED OR DYED GOODS.

16. The exporter of goods which have been bleached or dyed after having been issued out of the premises of a mill shall, in addition to the information required by Rule 7 (2), furnish the Collector of Customs with a statement from the owner of the works in which such goods were bleached or dyed, showing for the same—

- (1) the numbers and marks on the bales of bleached or dyed goods for export ;
- (2) the numbers and marks on the bales of grey goods from which the bales of bleached or dyed goods have been made up ;
- (3) the weight of the bales for export ;
- (4) the date of putting the goods into process ;
- (5) the date of baling the finished goods ; and
- (6) the name of the owner of the works at which such goods were bleached or dyed.

17. The Collector shall satisfy himself, by reference to the books and records of the works at which such goods were bleached or dyed, or otherwise as he may think fit, of the identity of the same with the grey goods shown in Form E.

SPECIAL RULE FOR ALL MILLS IN WHICH YARN IS SPUN.

18. The owner of every mill in which yarn is spun shall prepare and deliver to the Collector, on or before the 15th of each month, a return in Form G of all yarn spun in the mill during the preceding month.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2.(b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Cotton Duties Act, 1896—contd.***Rules under section 36 of Act II of 1896—*contd.***

The Forms to which reference is made in the foregoing Rules.

FORM A.

Particulars of all Cotton Goods produced at _____ Mill during the period beginning at _____ and ending _____ 189 .

PART I.—GREY GOODS.

1 DESCRIPTION OF GOODS.*	2 ISSUED OUT OF THE PREMISES.		3 Real Value	4 Deduction claimed under section 16 on account of quantity warehoused in lbs.	5 Deduction claimed under section 19 on account of quantity exported in lbs.	6 Balance on which duty now leviable.
	Weight, lbs.	Length, yards				
Chadars . . .						
Dhutis . . .						
Drills and jeans . .						
Jaconets . . .						
Madapollams . .						
Mulls . . .						
Printers . . .						
Shirtings and Longcloths						
T-cloths, Domestics, and Sheetings.						
Other grey goods . .						
(To be specified by kind) .						
TOTAL .						

* To be shown separately for goods of different dimensions

I do hereby declare that I have compared the above particulars with the records and books of my mill, and that they are, in so far as I can ascertain, accurate and complete.

Dated this _____ day of _____ 189 .

(Signed) _____

[To be signed by the Mill-owner, Managing Agent, or other Principal Officer of the mill.]

Part II.—Fancy goods, Part III—Hosiery, and Part IV—Other descriptions of goods, will be in the same form, and with the same verification and subscription.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.**Orders under the Cotton Duties Act, 1896—contd.*Rules under section 36 of Act II of 1896—*contd.*

FORM B.

Statement of Cotton Goods assessed to duty, with amount payable thereon.

1	2	3	4	5	6
DESCRIPTION OF GOODS.	Weight in lbs.	Real Value.	Total Real Value.	Rate of Duty payable.	TOTAL DUTY PAYABLE.
Part I.—Grey Goods . .					
Part II.—Fancy Goods .					
Part III.—Hosiery . .					
Part IV.—Goods of other descriptions.					
TOTAL .					

(Signed)

Collector.

Dated this _____ day of _____ 189 .

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.**Orders under the Cotton Duties Act, 1896—contd.*Rules under section 36 of Act II of 1896—*contd.*

FORM C.

Notice of Demand of Payment
of Excise Duty under section 9
(1) of Act II of 1896.

No. _____
Collector's Office,
_____ 189 .

Name of Mill _____

Owner _____

For the month of
_____ 189 .

Amount Rupees _____

Collector.

FORM C.

Notice of Demand of Payment of Excise Duty under section 9 (1) of Act II
of 1896.

No. _____
Collector's Office,
_____ 189 .

To _____

Take notice that on behalf of Government I hereby demand payment by
you of the sum of Rupees _____ now due and unpaid on
account of Excise Duty for the month of _____ 189 , and
that, if the above amount be not paid into this office within ten days after the
date of service hereof on you, I shall proceed to obtain payment of the same
according to the provisions of the Cotton Duties Act (of 1896).

Collector.

N. B.—No payment should be tendered on Sunday nor after 2-30 P.M. on any day
nor after 12 30 P. M. on Saturdays.

B-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—*contd.*

Rules under section 36 of Act II of 1896—contd.

Goods for Export to Foreign Ports only.

1	2	3	4	5
DESCRIPTION OF GOODS.	No. of Bales made up.	Nos. on Bales made up.	Real Value.	Weight of Bale.

I do hereby declare that I have compared the above particulars with the books of my mill, and that they are, in so far as I can ascertain, accurate and complete.

Dated this _____ day of _____ 189

(Signed) _____

[To be signed by the Mill-owner, Managing Agent, or other Principal Officer.
of the Mill.]

CHAPTER III.—BERAR—*contd.*B. British-Berar Enactments—2. (b) Local Rules and Orders under British-Indian Enactments—*contd.**Orders under the Cotton Duties Act, 1896—contd.*Rules under section 36 of Act II of 1896—*concl'd.*

FORM E.

To

THE COLLECTOR OF

Please allow Certificate or Drawback in the case of the following exports per S.S. _____ on _____ 189 .

1	2	3	4	5	6	7	8	9	10
No. of Bales and Marks.	Nos. on Pales.	Weight of Bale.	Name of Producing Mill.	Details of Contents.	Dates of issue out of the Mill Premises.	Name of Exporter.	Real Value of 4.	Duty levied (To be filled in only if duty has been paid)	No. of Pieces in each Bale.

Certified that the bales shown above were sold to _____ Dated this _____ day of _____ 189 .
 (Signed) _____
 (Signed) _____ on _____ 189 .

[To be signed by the Mill-owner, Managing Agent, or other Principal Officer of the Mill.]
 Shipping Bill No. _____, dated _____ 189 .

B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments—contd.

Rules under section 36 of Act II of 1896—contd.

CERTIFIED that the COTTON goods shown below were exported to_____

MILL is entitled to deduct the same from the statements of Cotton Goods produced during the month of _____ 189 .

DESCRIPTION OF GOODS.	Nos. on Bales or Packages.	Weight of Bale or Package.

Collector.

Dated _____ 189 .

CHAPTER III.—BERAR—*concl.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under British-Indian Enactments —concl.***Orders under the Cotton Duties Act, 1896—concl.*Rules under section 36 of Act II of 1896—*concl.*

FORM G.

Return under section 31 of the Cotton Duties Act (II of 1896).

RETURN made for the _____ Mill showing weight of all yarn spun
during the month ending _____ 189 .

Count of yarn.	Weight in lbs. of each count.

Date _____ 189 .

(Signed) _____

[To be signed by the Mill-owner, Managing Agent, or other Principal Officer of the Mill.]

[See *Gazette of India*, 1896, Pt. I, p. 108.]

Delegation of powers under s. (2), 1 Epidemic Diseases Act, 1897.

No. 1232-I.-A., dated the 3rd April, 1897.—Whereas the Epidemic Diseases Act (III of 1897) has been applied to, amongst other places, the Hyderabad Residency Bazaars, the Cantonment of Secunderabad, the stations of the Hyderabad Contingent, and the Hyderabad Assigned Districts, by the notification of the Government of India in the Foreign Department No. 443-I.-A., dated the 4th February, 1897.

In exercise of the powers conferred by section 2, sub-section (3) of the said Act as so applied, the Governor General in Council is pleased to direct that all the powers conferred by section 2, sub-section (1), thereof, may be exercised by the Local Government.

[See *Gazette of India*, 1897, Pt. I, p. 265.]

Orders under the Indian Stamp Act, 1899.

Applying Finance Department Notification No. 2897-S. R., dated the 7th June 1894
as to certain remissions and reductions in stamp duty with modifications.

No. 3588-I., dated the 10th October, 1894.—In exercise of the power conferred by section 8 of the Indian Stamp Act (I of 1879), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department,¹ No. 114-I.J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of the Notification of the Government of India in the Finance and Commerce

¹ See Notification No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1632-I.B., dated the 16th June, 1899, in virtue of which the Stamp Act, 1899 (II of 1899), is now in force in these Districts. This and the following notifications, which issued under Act I of 1879, are kept in force by s. 24 of the General Clauses Act, 1897 (XIV of 1897) which is now in force in Berar in virtue of Notification No. 1811-I.B., dated 1st July, 1898, see p. 39, *supra*.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Local Rules and Orders under British-Indian Enactments—*contd.****Orders under the Indian Stamp Act, 1899—contd.***Applying Finance Department Notification No. 2897-S. R., etc.***

Department, ¹No. 2897-S.R., dated the 7th June, 1894, shall apply to the Hyderabad Assigned Districts, subject to the following modifications:—

- (1) In the first paragraph, for the words "British India" the words "the Hyderabad Assigned Districts" shall be read.
- (2) In the first schedule, articles 1, 6 and 7 shall be omitted.
- (3) In the second schedule, articles 1 (a), (b), (c), (d) and (e)², 4 (b), 6 (a) and (d), 7 (b) and (c), 8 (e), (f), (g), and (j), 9 (a), (b), and (c), 13 and 14 (g) shall be omitted.
- (4) In article 6 (c) of the second schedule, the references to the Births, Deaths and Marriages Registration Act, VI of 1886, shall be read as referring to the corresponding portions of the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888.

2. The Notifications of the Government of India in the Foreign Department, No. 2191-I, dated the 2nd July, 1890, No. 1360-I, dated the 25th March, 1891, No. 4714-I, dated the 2nd December, 1891, No. 2031-I, dated the 18th May, 1892, and No. 827-I, dated the 6th March, 1894, and so much of Notification No. 1029-I, dated the 5th March, 1891, as applied to the Hyderabad Assigned Districts the provisions of the Notifications of the Government of India in the Finance and Commerce Department, No. 1661, dated the 14th November, 1890, and No. 259, dated the 21st January, 1891, are hereby cancelled.

[See *Gazette of India*, 1894, Pt. I, p. 556.]

Exemption of Bills of Exchange, Bills of Lading and Cheques drawn in British India, etc., on which full rate of duty has been paid there, from duty when negotiated in Berar.

No. 2602-I., dated the 9th August, 1895.—In exercise of the power conferred by section 8 of the Indian Stamp Act (I of 1879), as applied to the Hyderabad Assigned Districts by the Notification of the Government of India in the Foreign Department, No. 114-I. J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, and in modification of the Notification in the same Department, No. 3588-I., dated the 10th October, 1894, the Governor General in Council is pleased to direct that the provisions of the Notification of the Government of India in the Finance and Commerce Department, No. 2897-S.R., dated the 7th June, 1894, shall apply to the Hyderabad Assigned Districts, subject to the following additional modifications:—

In the second Schedule, for Articles 2, 3 and 5 the following shall be substituted, namely:—

"2. *Bills of exchange* drawn in British India, Mysore, the Civil and Military Station of Bangalore, the Hyderabad Residency Bazzars or the Cantonment of Secunderabad, on which the full rate of stamp-duty has been paid there, when the same are negotiated in the Hyderabad Assigned Districts."

"3. *Bills of lading* executed out of the Hyderabad Assigned Districts and relating to property to be delivered in the Hyderabad Assigned Districts."

¹ See *Gazette of India*, 1894, Pt. I, p. 342.

² Art. 2 has here been omitted as required by Notification No. 2602-I., dated the 9th August, 1895, immediately following.

CHAPTER III.—BERAR—*contd.***B-British-Berar Enactments—2. (b)-Local Rules and Orders under British¹ Indian Enactments—*contd.****Orders under the Indian Stamp Act, 1899—contd.***Exemption of Bills of Exchange, Bills of Lading and Cheques, etc.—*contd.***

" 5. *Cheques* drawn in British India, Mysore, the Civil and Military Station of Bangalore, the Hyderabad Residency Bazaars or the Cantonment of Secunderabad on which the full rate of stamp-duty has been paid there, when the same are negotiated in the Hyderabad Assigned Districts."

2. So much of the Notification of the Government of India in the Foreign Department, No. 3588-I., dated the 10th October, 1894, as declared that Article 2 of the second Schedule to the Notification of the Government of India in the Finance and Commerce Department, No. 2897-S.R., dated the 7th June, 1894, should not apply to the Hyderabad Assigned Districts, is hereby cancelled.

[See *Gazette of India*, 1895, Pt. I, p. 686.]

Exemption of Jagirdars' receipts for rent or land-revenue from stamp-duty.

No. 467-S.R., dated the 24th January, 1889. In exercise of the powers conferred by section 8 of the Indian Stamp Act, I of 1879, as extended by Notification No. 114-I.J., dated the 4th June, 1879, to the Hyderabad Assigned Districts, the Governor General in Council is pleased to direct that when receipts granted by jagirdars on account of rent or land-revenue in the Hyderabad Assigned Districts, and not exempted from stamp-duty by clause (c), Article 15, Schedule II of the said Act are written in the receipt books prescribed in the Commissioner's Book Circular III of 1886, they shall be exempt from stamp duty.

[See *Gazette of India*, 1889, Pt. I, p. 62.]

Application of notification requiring the use of impressed labels to denote duty under s. 35 of the Indian Companies Act, 1882.

No. 1029-I., dated the 5th March, 1891.—In exercise of the powers conferred by sections 8 and 9 of the Indian Stamp Act, I of 1879, as applied to the Hyderabad Assigned Districts by Foreign Department Notification No. 114-I. J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of the Finance Department notifications noted below shall apply to the Hyderabad Assigned Districts:—

* * * * *

No. 1662, dated 14th November, 1890.

* * * * *

[See *Gazette of India*, 1891, Pt. I, p. 125.]

Application of Rules regarding the use of stamp labels.

No. 3655-I., dated the 3rd September, 1891.—In supersession of Foreign Department Notification No. 1928-I., dated the 18th May, 1888, and in exercise of the powers conferred by sections 9, 15, 17, 32, 51, and 56 of the Indian Stamp Act (I

¹ See Notification No. 1811-I. B., dated the 1st July, 1898, as amended by Notification No. 1632-I.B., dated the 16th June, 1899, in virtue of which Act II of 1899 is now in force in Berar—printed *supra*, p. 39.

² Notification No. 1029-I., dated the 5th March, 1891, was cancelled so far as it affects the notifications here omitted by Notification No. 3588-I., dated the 10th October, 1894, printed *supra*, p. 387.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—1. (b)-Local Rules and Orders under British-Indian Enactments—*concl.****Orders under the Indian Stamp Act, 1899—concl.***Application of Rules regarding the use of Stamp labels—*contd.***

of 1879), as applied to the Hyderabad Assigned Districts by Foreign Department Notification 'No. 114-I. J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance Department Notification 'No. 2170, dated the 22nd May, 1891, shall apply to the Hyderabad Assigned Districts, subject to the following modifications :

Rule 1.—For “British India” *substitute* “the Hyderabad Assigned Districts,” and for “date of this notification” *substitute* “1st September 1891.”

Rule 4 (a) (2).—For the words “one of the officers mentioned in rule 10 (b) or by the Superintendent of Stamps, Calcutta,” *read* “the officer mentioned in rule 10.”

Rule 8.—For the words “Superintendent of Stamps at Calcutta, Bombay, Madras, Rangoon or Lahore, or by the Commissioner of Stamps at Hyderabad,” *substitute* “Inspector-General of Stamps, Hyderabad Assigned Districts.”

Rules 9 (20)—12 (a)—15 (a).—For “British India” *read* “the Hyderabad Assigned Districts.”

Rule 10.—For this rule *substitute* the following :—

“The Inspector-General of Stamps, Hyderabad Assigned Districts, is empowered to affix these labels to the instruments mentioned in rule 9.”

Rule 11 (a).—For the words “every such officer” *substitute* “the Inspector-General of Stamps, Hyderabad Assigned Districts.”

Rule 11 (b).—*Omit* the last two clauses commencing with “In Calcutta” and ending with “from Lahore,” and *for* the words “Local Government” *substitute* “Resident at Hyderabad.”

Rule 12 (b).—*Omit* the words “unless he be the Collector of Calcutta or Karachi.”

For the words “one of the officers mentioned in rule 10” *substitute* “the Inspector-General of Stamps, Hyderabad Assigned Districts.”

Rule 15.—*Omit* clause (c).

[See *Gazette of India*, 1891, Pt. I, p. 529.]

Manner in which duty payable on true copies or extracts of baptismal, marriage and burial certificate shall be denoted.

No. 2190-I, dated the 2nd July, 1890.—In exercise of the power conferred by section 9 of the Indian Stamp Act, I of 1879, as applied to the Hyderabad Assigned Districts by Foreign Department Notification, 'No. 114-I. J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance Department Notification 'No. 2036, dated the 30th June, 1882, issued under the aforesaid section, shall be deemed to have applied to the aforesaid Districts from the 25th October, 1882.

[See *Gazette of India*, 1890, Pt. I, p. 488.]

¹ See Notification No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1632 I.B., dated the 16th June, 1899, in virtue of which Act II of 1899 is now in force in Berar—printed *supra*, p. 39.

² See *Gazette of India*, 1891, Pt. I, p. 281.

³ By Notification No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1632-I.B., dated the 16th June 1899 Act II of 1899 is now in force in these Districts, see *supra* p. 39.

⁴ See *Gazette of India*, 1882, Pt. I, p. 257.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws.¹***Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888.***Rules under sections 25, 27 and 33 of the Law.**

No. 634-I., dated the 21st February, 1890.—The Governor General in Council is pleased to publish the following rules made under sections 25, 27 and 33 of the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888 :—

1. In these rules, unless there is something repugnant in the subject or context,—

- (1) “the Law” means the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888 :
- (2) “schedule” means a schedule to these rules :
- (3) “Registrar-General” and “Registrar” mean, respectively, a Registrar-General of Births, Deaths and Marriages and a Registrar of Births and Deaths appointed under the Law : and
- (4) “sign,” used with reference to a person who is unable to write his name, includes mark.

2. Notices of births and deaths shall be in the forms set forth in Schedule A and Schedule B respectively.

3. Every such notice shall be signed by the person giving it, and shall specify the capacity in which the person claims to be authorized to give it.

4. Every such notice shall ordinarily be presented to the Registrar for the local area in which the birth or death occurred within three months of the date of the birth or death to which it refers, as the case may be :

Provided that the Registrar may, of his own authority, for any reason which he considers sufficient, accept notice of a birth or death at any time within six months from the date of its occurrence, and with the special sanction in writing of the Registrar-General after that time.

5. An appeal against an order of a Registrar refusing to register a birth or death on any other ground than that referred to in proviso (a) to section 18 of the Law shall lie to the Registrar-General, who may, in his discretion, either confirm the order of the Registrar, or direct him to register the birth or death.

6. Registers of births and deaths shall be kept in the forms set forth in Schedule C and Schedule D respectively.

7. When a birth or death has occurred during a journey, or when the person giving notice of a birth or death was compelled by duty, or urgent necessity, or unavoidable accident, to leave the local area in which such birth or death occurred so soon after its occurrence that he was unable to give the prescribed notice to the Registrar for that local area, any Registrar may receive notice of such birth or death, and register the same as if it were a birth or death which had occurred within the local area for which he has been appointed.

8. The provisions of Rule 4 as to the time within which notice of a birth or death must be given, shall apply to every notice of a birth or death given under the circumstances described in the last foregoing rule.

9. In every case of a birth or death admitted to registration under Rule 7, the Registrar to whom the notice of the birth or death is given shall record in his

¹ Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*, p. 33.

CHAPTER III —BERAR—*contd.***B. British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*contd.****Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—contd.***Rules under sections 25, 27, and 33 of the Law—*contd.***

register the reason why the notice was not given to the Registrar of the local area within which the birth or death occurred, and shall within one week from the date of the registration of the birth or death forward to the Registrar-General, and to the Registrar of the local area within which the birth or death occurred, a copy of the entry in the register relating to the birth or death.

Every Registrar shall paste into a book kept by him for the purpose all copies of entries received by him under this rule, and the book containing the copies shall be, at all reasonable times, open to inspection by any person desiring to inspect it.

10. Every certificate of registration of a birth or death given by a Registrar under section 22 of the Law shall be in the form set forth in Schedule E.

11. At the foot of every copy of an entry given under section 9 or section 24 of the Law, there shall be written a certificate, dated and subscribed by the Registrar-General or officer authorized under section 9, or by the Registrar, as the case may be, that the copy is a true copy of the entry.

12. Every Registrar shall keep, in the form set forth in Schedule F, a register of all certificates of registration and copies of entries by him.

The Registrar-General shall keep a register in a similar form of all copies given by him of entries in the certified copies of the registers sent to his office.

13. The copies of entries of births and deaths which Registrars are required by section 23 of the Law to send to the Registrar-General shall be certified in the form set forth in Schedule G, and shall be sent at intervals of three months, on or as nearly as possible after the 1st January, April, July, and October in each year.

Should no entries be made in a register during the preceding three months, a certificate to this effect shall be sent to the Registrar-General.

14. The indexes which are required by section 7 of the Law to be made of the certified copies of registers of births, deaths and marriages sent to the office of the Registrar-General shall be in the forms set forth in Schedule H, Schedule I and Schedule J, respectively.

Every entry in an index shall be made alphabetically with reference to the initial letter of the name of the person indicated by the entry.

In the index of certified copies of entries of marriages, the names of both the husband and the wife must be indexed.

In the case of a person of European descent, the initial letter will be the first letter of the surname; and in the case of any other person, the first letter of his name, and not that of his rank, title or class.

15. A Registrar may, of his own motion, correct, in manner prescribed in section 27 of the Law, any error in form made in an entry of a birth or death in a register of births or register of deaths kept by him under the Law.

In every case in which an entry is corrected under this rule, intimation thereof shall (if practicable) be communicated, within one week from the date of the correction being made, to the person who gave the notice of the birth or death.

16. When an error in substance in any entry of a birth or death in a register

¹ Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*, p. 33.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*contd.****Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—contd.***Rules under sections 25, 27, and 33 of the Law—*contd.***

of births or register of deaths is asserted to have been made, the Registrar may correct the error, in manner prescribed in section 27 of the Law, on application made in writing, and signed in the presence of two witnesses attesting the signature, by any person authorised under section 19 or 20, as the case may be, to give notice of the birth or death to which the entry relates :

Provided that the Registrar is satisfied that the application is well founded.

An appeal against an order of a Registrar under this rule refusing to correct an asserted error in an entry in a register shall lie to the Registrar-General, who may, in his discretion, either confirm the order of the Registrar, or direct him to correct the error.

17. Without the special sanction in writing of the Registrar-General, an application for the correction of an entry in a register of births or register of deaths shall not be entertained after the expiration of one year from the date on which the notice of the birth or death was given.

18. The sums specified in Schedule K shall be the fees payable under the sections of the Law there referred to :

Provided that soldiers and non-commissioned officers of Her Majesty's Regular Forces, and all seamen, shall be exempted from the payment of any fees.

19. The Registrar-General, and every Registrar who is a Government servant and not a Minister of Religion, shall keep a register, in the form set forth in Schedule L, of all fees realized under these rules, and shall forward such fees at the end of each month to the nearest treasury to be credited to Government. The Treasury Officer shall give each Registrar a certificate of the amount so credited, and the Registrar shall send a copy of the certificate to the Registrar-General. Registrars who are not Government servants or who are Ministers of Religion may retain for their own use any fees which they may realize under these rules.

SCHEDULES.**SCHEDULE A.***Notice of a Birth.**(Rule 2.)*

To the Registrar of Births and Deaths for *(local area or class)*.

I, A.B. *(name, description and residence)*, being *(here state the capacity in which the person claims to be authorised to give the notice)*, hereby give notice, for the purposes of section 18, Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888, that on *(date)* at *(place)* I, A. B., or my wife, C. D., or C. D. *(name and description)*, was delivered of a....., and I request that the said birth may be registered.

Signature.

¹ Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch II *supra*, p. 33.

Substituted for the original Rule 19 by Notification No. 023-I., dated the 29th November, 1894, see *Gazette of India*, 1894, Pt. I, p. 641.

CHAPTER III.—BERAR—*contd.*B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*contd.**Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—contd.*Rules under sections 25, 27, and 33 of the Law—*contd.*

SCHEDULE B.

Notice of a Death.

(Rule 2.)

To the Registrar of Births and Deaths for (*local area or class*).

I, A.B. (*name, description and residence*), being (*here state the capacity in which the person claims to be authorised to give the notice*), hereby give notice, for the purposes of section 18, Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888, that on (*date*) at (*place*) my (*state relationship*) C.D. (*name and description*), or C.D. (*name and description*), died of....., and I request that the said death may be registered.

Signature.

SCHEDULE C.

Register of Births.

(Rule 6.)

1. Serial number.
2. Date of birth.
3. Place of birth.
4. Name, if any.
5. Sex.
6. Name, race, religion and occupation of father.
7. Name, race and religion of mother.
8. Signature, description and residence of person giving notice.
9. Signature, description and residence of mother and person acknowledging himself to be father. [*Column only to be used in the case referred to in section 18, proviso (b), and section 21, sub-section (3).*]
10. Reason why notice was not given to Registrar within whose local area birth occurred. (*Column only to be used in the case of a birth registered under rule 7.*)
11. Date of registration.
12. Signature of Registrar.
13. Rectification of error in entry.

SCHEDULE D.

Register of Deaths.

(Rule 6.)

1. Serial number.
2. Date of death.
3. Place of death.
4. Name, sex, race, religion and occupation of deceased.
5. Names, race, religion and occupation of parents of deceased.
6. When deceased was a married woman or a widow, name, race, religion and occupation of her husband or late husband.

¹ Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*contd.****Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—contd.***Rules under sections 25, 27, and 33 of the Law—*contd.***

7. Age of deceased.
8. Cause of death.
9. Signature, description and residence of person giving notice.
10. Reason why notice was not given to Registrar within whose local area death occurred. (*Column only to be used in the case of a death registered under Rule 7.*)
11. Date of registration.
12. Signature of Registrar.
13. Rectification of error in entry.

SCHEDULE E.*Certificate of Registration of Birth or Death.**(Rule 10.)*

Certified that I have this day registered the birth (*or death*) to which the entry in the Register of Births (*or Death*), of which a true copy is above written, relates.

Dated the of

A. B.,

Registrar of Births and Deaths
for (*local area or class*).

SCHEDULE F.*Register of Certificates of Registration or Copies of Entries granted.**(Rule 12.)*

1. Serial number.
2. Name and residence of person applying for certificate or copy.
3. Date of application.
4. Nature of certificate or copy granted.
5. Date of grant of certificate or copy.
6. Fee paid.
7. Initials of Registrar.
8. Remarks.

SCHEDULE G.*Certificate of truth of Copies of Entries sent to Registrar-General.**(Rule 13.)*

Certified that the above, which contains entries from No. regarding
to No. regarding , is a true copy of all
the entries in the Register of Births (*or Register of Deaths, as the case may be*) kept
by me for the three months ending the day of , 18
Dated the of

(Signature.)

Registrar of Births and Deaths,
for (*local area or class*).

¹Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*contd.****Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888— contd.***Rules under sections 25, 27, and 33 of the Law—*contd.*****SCHEDULE H.***Index of certified Copies of Registers of Births.**(Rule 14.)*

Name and sex.
 Father's name.
 Date.
 Place.
 Reference to certified copy of register.

SCHEDULE I.*Index of certified copies of Registers of Deaths.**(Rule 14.)*

Name and sex.
 Father's name.
 Date.
 Place.
 Reference to certified copy of register.

SCHEDULE J.*Index of certified Copies of Entries of Marriages.**(Rule 14.)*

Name of (husband) (wife).
 Date.
 Place.
 Reference to certified copy of entry.

SCHEDULE K.*Fees leviable under Sections 8, 22 and 24 of the Law.**(Rule 18.)*

	<i>R a. p.</i>
(i) Under section 8 for inspection of indexes in the office of a Registrar-General—	
(a) For the first year	1 0 0
(b) For every additional year, four annas up to a maximum for one inspection of	5 0 0
(ii) Under section 8 for each copy of an entry in a certified copy of a register in the office of a Registrar-General	1 0 0
(iii) Under section 22 for a certificate of a registration of birth or death	1 0 0
(iv) Under section 24 for search in a register of births or deaths—	
(a) For the first year	1 0 0
(b) For every additional year, four annas up to a maximum for one search of	5 0 0
(v) Under section 24 for each copy of an entry given by a Registrar.	1 0 0

¹Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*contd.***

Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888—contd.

Rules under sections 25, 27, and 33 of the Law—*contd.*

SCHEDULE L.

*Register of Fees.**(Rule 19.)*

1. Serial number.
2. Date of receipt.
3. From whom received.
4. On what account received.
5. Section of the Law under which chargeable.
6. Amount of fee.
7. Signature of Registrar-General or officer authorised under section 9 of the Law (*or Registrar, as the case may be*).
8. Signature of treasury official and date of receipt in treasury.
9. Remarks.

FOOTNOTE.

In cases in which a person is unable to attend at the Registrar's Office and desires the Registrar's presence at his private residence for the purposes of section 21 of the Law, a fee of Rs. 10 is, under the orders of the Government of India, to be charged for every attendance, and, in addition to such fee, a sum equal to the travelling allowance to which an officer of the 1st class would be entitled under the Civil Travelling Allowance Code in respect of the distance to be traversed by road, or by rail, or otherwise, as the case may be.

The fee of ten rupees is to be credited to the Government, and the travelling allowance may be appropriated by the Registrar, who will receive no travelling allowance from the Government.

[See *Gazette of India*, 1890, Pt. I, p. 165.]

Rules as to depositing Registers or Records with the Commissioner.

No. 2633-I, dated the 27th June, 1892.—In continuation of the Notification of the Government of India in the Foreign Department, No. 634-I., dated the 21st February, 1890, the Governor General in Council is pleased to publish the following rule made under section 33 of the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888:

Any registers or records dealt with by Commissioners under Chapter V of the Hyderabad Assigned Districts Births, Deaths, and Marriages Registration Law, 1888, may be deposited in the Office of the Registrar-General of Births, Deaths and Marriages with the consent of the custodians of such registers or records. In the absence of such consent, the registers or records shall be returned to their custodians.

[See *Gazette of India*, 1892, Pt. I, p. 401.]

¹ Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*.

CHAPTER III.—BERAR—*contd.***B.-British-Berar Enactments—2. (b)-Local Rules and Orders under Special Local Laws¹—*concl'd.****Orders under the Hyderabad Assigned Districts Births, Deaths and Marriages Registration, Law, 1888—concl'd..***Fees payable under section 32 (1) of the Law.**

No. 1258-I., dated the 18th April, 1895.—In continuation of the Notification by the Government of India in the Foreign Department, No. 634-I., dated 21st February, 1890, the Governor General in Council is pleased to publish the following Rules under section 33 (a) of the Hyderabad Assigned Districts Births, Deaths and Marriages Registration Law, 1888 :—

1. The following fees shall be payable under section 32 (1) of the said Law, namely :—

R a. p.

For inspection of the descriptive list of registers or records delivered to the Registrar-General by Commissioners appointed under Chapter V of the said Law . . .	1 0 0
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For each copy of an entry in any register or record described in the abovementioned descriptive lists . . .	1 0 0
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Provided that soldiers and non-commissioned officers of Her Majesty's Regular Forces and all seamen shall be exempted from the payment of the foregoing fees, when the same are payable to a Registrar-General or a Government servant who is not a Minister of Religion.

2. When fees payable under the foregoing rule are received by a Registrar-General or any person being a Government servant not a Minister of Religion, having the custody of any such registers or records as aforesaid, they shall be entered in a register and otherwise treated as if they were fees realized under the rules published under the Notification No. 634-I., dated 21st February, 1890, above referred to. When such fees are received by any other person, they may be retained by such person.

[See *Gazette of India*, 1895, Pt. I, p. 290.]

¹ Only those notifications which have been published in the *Gazette of India* are reproduced here. See also Ch. II *supra*.

CHAPTER III.—BERAR—*concl'd.*

SUPPLEMENTARY NOTES.

NOTE 1.—The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad has been arranged under directions issued by the Resident in 1871 and 1878.

NOTE 2.—All processes issued by Courts in Berar, to which the provisions of section 650A of the Civil Procedure Code have been applied may be served free of charge by the Courts in the Bombay Presidency. *See* Rule XIV of the Rules issued by the Bombay High Court under sections 20 and 22 of the Court Fees Act, VII of 1870. [*Bombay Government Gazette*, 1888, Pt. I, p. 598.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD.

CHAPTER IV.

¹ THE CANTONMENT OF SIKANDARABAD.

[NOTE.—“A foreign army or fleet, marching through, sailing over or stationed in, the territory of another State with whom the foreign sovereign to whom they belong is in amity, are also, in like manner, exempt from the civil and criminal jurisdiction of the place.”—Wheaton’s *International Law*, 3rd English ed., section 95, clause 3 “A third case in which a sovereign is understood to cede a portion of his territorial jurisdiction is where he allows the troops of a foreign prince to pass through his dominions.”—*Ib.*, section 99. “If a foreign army be permitted to pass through, or be stationed in, the territories of another State, the persons composing that army, or being within its lines, are entitled to extra-territorial privileges.”—Phillimore’s *International Law*, 3rd ed., vol. I, page 341. See also *ib.*, section 203, and vol. II, section 33, *cf.* also Hall’s *International Law*, 2nd ed., section 56; Davis’s *International Law*, Chapter II, section 15 (2), and Halleck’s *International Laws*, 3rd ed., Vol. I, clause VII, section 25, page 218. When a State allows another sovereign to exercise “jurisdiction” within its territory, the decree of a Court exercising such jurisdiction is binding upon every suitor submitting himself thereto with the consent of his sovereign.—*The Laconia*, 2 Moore P.C. N.S. 183 and 33 L. J. N. S. Prob. Matrim. & Adm. 11.]

The British enactments in force locally in the Cantonment of Sikandarabad consist of—

A.—British-Indian Enactments, namely—

1.—Local Rules and Orders under—

- (a) a Statute in force generally in all Native States.
- (b) Acts in force generally in all Native States.

B.—British-Sikandarabad Enactments, namely—

1.—Local Laws made by the Governor General in Council—

- (a) British-Indian enactments locally applied.
- (b) Special Local² Laws.

2.—Local Rules and Orders under—

- (a) British-Indian enactments locally applied.
- (b) Special Local Laws.

¹ Sikandarabad is held to be a place out of British India and never to have vested in Her Majesty within the meaning of the General Clauses Act (I of 1868) per Sale, J., *see* Hoosain Ali Mirza *vs.* Abid Ali Mirza, I. L. R., 21 Calc., p. 177.

² Some of the laws entered under this head are styled Rules; but they are all of the nature of principal rather than subsidiary enactments (*see* Preface to the 1st edition).

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**A.—British-Indian Enactments.*1.-(a) LOCAL ORDER UNDER A STATUTE IN FORCE GENERALLY IN ALL NATIVE STATES.¹

Statute.	Section.	Subject of Notification.	Reference.
The Army Act (44 and 45 Vict., Cap. 58).	133	Setting apart a room as part of the military prison.	No. 156, dated the 21st March, 1884. [Printed <i>infra</i> , p. 422.]

¹ See also Part I and Ch. I of this Part for other similar notifications applying to Sikandarabad.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**A.—British-Indian Enactments—*1.-(b) LOCAL ORDER¹ UNDER ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
Indian Income Tax Act, 1886 (II of 1886). ²	40	Authorizing the Cantonment Magistrate of Sikandarabad to exercise any and all the powers of a Collector within the limits of the Cantonment.	No. 25, dated the 20th February, 1886 [Printed <i>infra</i> , p. 422.]

¹ In addition to the Notification here set out, those under Acts XV of 1872, II of 1874, XXI of 1879, and II of 1886 in Chapter I of Part I, pp 15, 16, 19 and 20 respectively apply also to this cantonment.

² This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, p. 331.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*I.-(a)¹ BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.

Act.	Extent of application.	Reference.
Succession (Property Protection) Act, 1841 (XIX of 1841). ²	The whole Act and <i>see</i> the Notification.	<i>No. 213-J., dated the 24th October, 1873.</i> [Printed <i>infra</i> , p. 422.]
Workman's Breach of Contract Act, 1859 (XIII of 1859). ²	Ditto.	<i>No. 130-J., dated the 11th October, 1876.</i> [Printed <i>infra</i> , p. 426.]
Employers and Workmen (Disputes) Act, 1860 (IX of 1860). ²	Ditto.	<i>No. 213-J., dated the 24th October, 1873.</i> [Printed <i>infra</i> , p. 422.]
Police Act, 1861 (V of 1861).	<i>See</i> the Notification.	<i>No. 3000-I., dated the 10th September, 1895, and Resident's Notification No. 29, dated the 21st May, 1897.</i> [Printed <i>infra</i> , p. 426.]
Public Gambling Act, 1867 (III of 1867).	Ditto.	<i>No. 130-J., dated the 11th October, 1876.</i> [Printed <i>infra</i> , p. 426.]
Act VII of 1867 (Buying Soldiers Arms, etc.). ²	The whole Act.	<i>No. 213-J., dated the 24th October, 1873.</i> [Printed <i>infra</i> p. 422.]
Indian Divorce Act, 1869 (IV of 1869).	The whole Act and <i>see</i> the Notification.	<i>No. 213-J., dated the 24th October, 1873, and No. 3060-I., dated the 1st September, 1893.</i> [Printed <i>infra</i> , p. 422.]
Indian Articles of War (Act V of 1869).	Ditto.	<i>No. 213-J., dated the 24th October, 1873.</i> [Printed <i>infra</i> , p. 422.]
European Vagrancy Act, 1869 (XXI of 1869). ⁴	Ditto.	Ditto.
Foreign Jurisdiction and Extradiction Act, 1871 (XI of 1871). ⁵	Ditto.	Ditto.
Indian Christian Marriage Act, 1872 (XV of 1872). ⁵	Ditto.	Ditto.
Native Military Lunatics Act, 1872 (XXI of 1872). ⁵	The whole Act.	Ditto.
Indian Oaths Act, 1873 (X of 1873).	The whole Act and <i>see</i> the Notification.	Ditto.

¹ *See* also the similar enactments included in Chap. II which apply to this Cantonment in common with other areas.² These short titles were conferred by the Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898, which is in force in this Cantonment by virtue of Notification No. 181-I.B., dated the 1st July, 1898, printed *supra*, p. 39.³ Except in the Sonthal Parganas, this Act has been repealed in British India by Act XVI of 1898.⁴ This Act has been repealed in British India by Act IX of 1874, which applies to the dominions of Princes and States in India in alliance with Her Majesty—*See* s. 1; but ss. 4 to 9 (both inclusive) and ss. 19, 20, 24 and 29 of the latter have been declared in force in the Hyderabad State and are therefore in force in this cantonment, *see* Notification No. 2513-I., dated the 31st July, 1890, printed *supra*, p.⁵ This Act has been repealed by Act XXI of 1879, which applies to Native Indian subjects of Her Majesty beyond the limits of British India and to European-British subjects within the dominions of Princes and States in India in alliance with Her Majesty; but as that Act has never been extended to the Cantonment, Act XI of 1872 is apparently still in force, so far, at any rate, as regards persons other than British subjects.⁶ This Act has been repealed by Act XI of 1877, which extends, so far as regards subjects of Her Majesty, to the dominions of Native Princes and States in India in alliance with Her Majesty; but as that Act has never been extended to this Cantonment, Act XXI of 1872 is apparently still in force, so far, at any rate, as regards persons other than British subjects.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*1.-(a) ¹ BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Extent of application.	Reference.
Military Lunatics' Property Act, 1873 (XIV of 1873). ²	The whole Act.	No. 213-J., dated the 24th October, 1873. [Printed <i>infra</i> , p. 422.]
Indian Majority Act, 1875 (IX of 1875).	The whole Act and <i>see</i> the Notification.	No. 510-I., dated the 4th February, 1889. [Printed <i>infra</i> , p. 435.]
Specific Relief Act, 1877 (I of 1877).	The whole Act.	No. 77-J., dated the 27th June, 1877. [Printed <i>infra</i> , p. 436.]
Destruction of Records Act, 1879 (III of 1879).	<i>See</i> the Notification.	No. 229-I.J., dated the 15th August, 1879. [Printed <i>infra</i> , p. 436.]
Glanders and Farcy Act, 1879 (XX of 1879). ³	The whole Act and <i>see</i> the Notification.	No. 170-I.J., dated the 10th August, 1881. [Printed <i>infra</i> , p. 437.]
Transfer of Property Act, 1882 (IV of 1882).	Section 108 B (f) and <i>see</i> the Notification.	No. 2633-I.B., dated the 30th September, 1898. [Printed <i>infra</i> , p. 437.]
Indian Explosives Act, 1884 (IV of 1884).	The whole Act and <i>see</i> the Notification.	No. 4743-I., dated the 4th November, 1887. [Printed <i>infra</i> , p. 437.]
Petroleum Act, 1886 (XII of 1886). ⁴	Ditto.	No. 3905-I.B., dated the 15th October, 1897. [Printed <i>infra</i> , p. 437.]
Military Courts of Requests Abolition Act, 1887 (VIII of 1887).	Ditto.	No. 4591-I., dated the 21st November, 1888. [Printed <i>infra</i> , p. 438.]
Measures of Length Act, 1889 (II of 1889).	Ditto.	No. 3269-I., dated the 1st October, 1890. [Printed <i>infra</i> , p. 439.]
Merchandise Marks Act, 1889 (IV of 1889).	Ditto.	No. 3531-I., dated the 24th October, 1890. [Printed <i>infra</i> , p. 439.]
Cantonments Act, 1889 (XIII of 1889).	Ditto.	*No. 1374-I., dated the 25th April, 1890. [Printed <i>infra</i> , p. 439.]
Revenue Recovery Act, 1890 (I of 1890).	The whole Act.	No. 1415-I., dated the 30th April, 1890. [Printed <i>infra</i> , p. 705.]
Indian Railways Act, 1890 (IX of 1890).	The whole Act and <i>see</i> the Notification.	No. 1334-I., dated the 23rd March, 1891. [Printed <i>infra</i> , p. 441.]

¹ See also the similar enactments included in Chapter II which apply to this Cantonment in common with other areas.² This Act has been virtually repealed in British India by Act XIV of 1894, the provisions of which are incorporated in Act V of 1869 as reprinted in General Acts, Vol. II, Ed. 1898, p. 38.³ This Act is repealed in British India by Act XIIIV of 1899.⁴ This Act is repealed in British India by the Petroleum Act, 1899 (VIII of 1899).⁵ So much of the notification as affects ss. 9 to 11 of Act XIII of 1889 has been repealed by Notification No 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*1.-(a) ¹ BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*concl'd.*

Act.	Extent of application.	Reference.
Cruelty to Animals Act, 1890 (XI of 1890).	The whole Act and <i>see</i> the Notification.	No. 3315-I., dated the 3rd October, 1890. [Printed <i>infra</i> , p. 441.]
Indian Christian Marriage Act Amendment Act, 1891 (II of 1891).	Ditto.	No. 2550-I., dated the 18th June, 1891. [Printed <i>infra</i> , p. 442.]
Repealing and Amending Act, 1891 (XII of 1891).	So much as refers to the Prisoners Act, V of 1871.	² No. 3170-I., dated the 25th September, 1895. [See <i>Gazette of India</i> , 1895, Pt. I, p. 794.]
Land Acquisition Act, 1894 (I of 1894).	The whole Act and <i>see</i> the Notification.	No. 2348-I., dated the 12th July, 1894. [Printed <i>infra</i> , p. 443.]
Prisoners Act Amendment Act, 1894 (VIII of 1894).	Ditto.	No. 3170-I., dated the 25th September, 1895.
Prisoners Act, 1894 (IX of 1894).	Ditto.	No. 1092-I., dated the 2nd April, 1895. [Printed <i>infra</i> , p. 444.]
Cantonments Act, 1897 (XV of 1897).	The whole Act.	No. 1288-I., dated the 13th May, 1898. [Printed <i>infra</i> , p. 444.]

¹*See* also the similar enactments included in Chap. II which apply to this Cantonment in common with other areas.

²This notification, though not expressly cancelled, is obviously superseded by Notification No. 1811-I.B., dated the 1st July, 1898 printed *supra*, p. 39, as it applies to this Cantonment (as part of the Combined Areas described in Chap. II *supra*) the Act as it was in force in the Hyderabad Assigned Districts at the date of that notification, with a modification.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*

1-(b) SPECIAL LOCAL LAWS.

When made.	Subject.	Notification.	Reference.
1869	Commitments by Cantonment Magistrate . .	<i>No. 29, dated the 18th February, 1869.</i>	Printed <i>infra</i> , p. 445.
1881	Empowering the Cantonment Magistrate to try all offenders within the limits of the Cantonment charged with a breach of the opium rules in force in the Nizam's Dominions.	<i>Resident's G. O. No. 18, dated the 17th September, 1881.</i>	Printed <i>infra</i> , p. 445.
1884	Rules for regulating the reciprocal execution of decrees passed by the (Nizam's) City and Suburban Courts, the Cantonment Magistrate at Sikandarabad, and the Superintendent of the Hyderabad Residency Bazzars, and the realization of the State demands of the British and His Highness the Nizam's Governments.	<i>No. 26, dated the 19th December, 1884.</i>	Printed <i>infra</i> , p. 445.
"	Rules for the surrender of Hyderabad subjects accused of criminal offences and present or living in the Cantonment of Sikandarabad, and also for making requisitions for the surrender by His Highness the Nizam's Government of persons accused of having committed a criminal offence within the Cantonment of Sikandarabad.	<i>No. 27, dated the 20th December, 1884.</i>	Printed <i>infra</i> , p. 446.
1886	Rule as to fee payable on processes sent to the Small Cause Courts at Bombay, Calcutta and Madras for service.	<i>No. 26, dated the 20th February, 1886.</i>	Printed <i>infra</i> , p. 445.
1887	The Sikandarabad Hackney Carriage Law, 1887 .	<i>No. 4330-I., dated the 30th September, 1887.</i>	Printed <i>infra</i> , p. 447.
1889	The Sikandarabad Births, Deaths and Marriages Registration Law, 1889.	<i>No. 467-I., dated the 1st February, 1889.</i>	Printed <i>infra</i> , p. 450.
"	Rules for the service of processes between the City and Suburban Courts and the Courts at Sikandarabad.	<i>No. 6, dated the 11th April, 1889.</i>	Printed <i>infra</i> , p. 457.
"	*Rules for the payment of the expenses of complainants and witnesses in criminal cases.	Resident's Book Circular No. VI (Judl.) of 1889. Published under Notification No. 178, dated 22nd July, 1889.	Printed <i>infra</i> , p. 457.
"	Notifying the Courts of the Cantonment and Assistant Cantonment Magistrates of Sikandarabad as having been established or continued by the Governor General in Council.	<i>No. 1361-I., dated the 29th March, 1889.</i>	Printed <i>infra</i> , p. 604.

* This Law was brought into force on the 1st December, 1890, see *Gazette of India*, 1890, Pt. I, p. 843.

* These rules are made for the Hyderabad Assigned Districts. They were re-published for information under the Notification quoted above. They cancel Resident's Book Circular No. I of 1882, addressed to, among others, the Cantonment Magistrate of Sikandarabad.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*1.-(b) SPECIAL LOCAL LAWS—*concl'd.*

When made.	Subject.	Notification.	Reference.
1889 & 1890	Providing for— —(1) Execution of decrees— (a) of British Indian Courts by the Courts of the Cantonment and Assistant Cantonment Magistrates of Sikandarabad, (b) of the above Sikandarabad Courts by other Courts in Native States established or continued by the Governor General in Council, (c) of certain Courts in Mysore, and in Bombay Native States not established or continued by the Governor General in Council by the above Sikandarabad Courts. (2) Service of summons— (a) of British Indian Civil and Revenue Courts by the Civil Courts in these districts, (b) of the above Sikandarabad Courts by Courts in Native States established or continued by the Governor General in Council and <i>vice versa</i> , and (c) of certain Courts in Hyderabad, Central India, Mysore and in Bombay Native States, not established or continued by the Governor General in Council by the above Sikandarabad Courts.	<i>Nos. 1362-I. to 1364-I dated the 29th March, 1889, and Nos. 2179-I. and 2183-I., dated the 2nd July, 1890.</i>	Printed <i>infra</i> , pp. 695 to 698.
1894	Rules for the regulation of the manufacture, preparation and sale of articles of food and drink within the Cantonment.	<i>No. 1221-I., dated the 13th April, 1894.</i>	Printed <i>infra</i> , p. 459.
1895	Declaring that the powers and duties conferred and imposed on a District Judge by section 64 of Act II of 1874 as amended by section 13 of Act II of 1890 shall, in the Cantonment of Sikandarabad, be exercised by the Cantonment Magistrate.	<i>No. 9, dated the 14th February, 1895.</i>	Printed <i>infra</i> , p. 460.
„	Rules for the control of manufacture, conversion, possession and sale of arms, ammunition and sulphur.	<i>No. 2134-I.B., dated the 5th August, 1898.</i>	Printed <i>infra</i> , p. 462.
1896	Nuisance Rules	<i>No. 770-I., dated the 27th February, 1896.</i>	Printed <i>infra</i> , p. 460.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

A.—BRITISH-INDIAN ENACTMENTS.

1.-(a) Local Order under a Statute in force generally in all Native States.

No. 156, dated the 21st March, 1884.—In continuation of G. G. O. No. 488 of 1883, the Governor General of India in Council, in exercise of the powers conferred by section 133 of the Army Act, 1881, is pleased to set apart the buildings or parts of buildings at the stations as hereinafter detailed as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons, namely—

* * * * * * * *

Sikandarabad.—The room at the southern end of the detached building situated at the west gate of the south Station Hospital, formerly used as a guard-room.

* * * * * * * *

[See *Gazette of India*, 1884, Pt. I, p. 128.]

1.-(b) Under Acts in force generally in all Native States.

No. 25, dated the 20th February, 1886.—In exercise of the power conferred by section 40 of Act II of 1886 (An Act for imposing a tax on incomes derived from sources other than Agriculture), the Resident is pleased to authorize the Cantonment Magistrate at Sikandarabad to exercise any and all of the powers of a Collector as defined in the said Act within the limits of the Sikandarabad and Bolarum Cantonments.

[See *Hyderabad Residency Orders*, 1886, Pt. I, p. 26.]

B.—British-Sikandarabad Enactments.

1.-(a) Notifications applying British-Indian States.

No. 213-J., dated the 24th October, 1873.—In supersession of all previous notification extending Acts to the Cantonment of Sikandarabad the Governor General in Council is pleased to declare that the following Acts apply to the said cantonment to the extent and subject to the modifications hereinafter mentioned :—

Number and year.	Subject.	Extent of application.	Modifications.
* *	* * *	* * * *	* * * * ²
XIX of 1841	¹ Curators in cases of succession.	The whole Act, except section twenty.	In section six, for " Courts of the East India Company " read " Courts in British India. "

¹ See also Ch. I *supra*, and for other Acts in force in Sikandarabad as part of the Combined Areas see Ch. II.

² The entry relating to the Military Courts of Requests Act, 1841 (XI of 1841), is omitted, as that Act is repealed by Act VIII of 1897, which was applied to this Cantonment by Notification No. 4591-I, dated the 21st November, 1898, printed *infra*, p. 438.

³ Short Title " The Succession (Property Protection) Act, 1841, " see the Indian Short Titles Act, 1897 (XIV of 1897), which is in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1899, printed *supra*, p. 39. For Act XIV of 1897 see General Acts, Vol. VI, Ed. 1899, p. 331.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B—¹British-Sikandarabad Enactments—1-(a) Notifications applying Acts—*contd.*

Number and year.	Subject	Extent of application.	Modifications.
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
IX of 1860	⁵ Workmen engaged in public works.	The whole Act, except section nine and the last eighteen words of section two.	
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
* *	* * *	* * * *	* * * *
VII of 1867	Buying Soldier's Arms, etc.	The whole Act	
* *	* *	* * * *	* * * *
* *	* *	* * * *	* * * *
* *	* *	* * * *	* * * *

¹ See also Ch. I *supra*, and for other Acts in force in Sikandarabad as part of the Combined Areas, *see* Ch. II.

² The entry relating to the Railways Act, 1854 (XVIII of 1854), is omitted, as that Act was repealed by Act IV of 1879 and the latter by Act IX of 1890, which was applied by Notification No. 1384-I, dated the 23rd March, 1891, printed *infra*, p. 441.

³ The entry relating to the Minors Act, 1858 (XL of 1858), is omitted, as that Act is repealed by the Guardians and Wards Act, 1890, (VIII of 1890), which is in force in this Cantonment in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

⁴ The entry relating to the Civil Procedure Code, 1859 (VIII of 1859), is omitted. The Code now in force is Act XIV of 1882, *see* Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

⁵ Short title "The Employers and Workmen (Disputes) Act, 1880," *see* the Indian Short Titles Act, 1897 (XIV of 1897).

⁶ The entry relating to Act XXVII of 1860 (Collection of debts on succession) is omitted, as that Act is repealed by the Succession Certificates Act, 1889 (VII of 1889), which is now in force in Sikandarabad in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

⁷ The entry relating to the Penal Code (Act XLV of 1860) is omitted, as that Act is now in force in Sikandarabad in virtue of the Notification referred to in the note immediately preceding.

⁸ The entry relating to Act XXII of 1861 is omitted, as that Act was repealed by Act X of 1877. The Code of Civil Procedure now in force is Act XIV of 1882, *see* Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

⁹ The entry relating to the Whipping Act, 1864 (VI of 1864), is omitted, as the Act is now in force in Sikandarabad in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

¹⁰ The entry relating to the Cantonments Act, 1864 (XXII of 1864), is omitted. The Cantonments Act now in force in Sikandarabad is Act XIII of 1889, *see* Notification No. 1874-I., dated the 20th April, 1890, printed *infra*, p. 439.

¹¹ The entry relating to the Succession Act, 1865 (X of 1865), has been omitted, as the Act is now in force in Sikandarabad in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

¹² The entry relating to the Mufassal Small Cause Courts Act, 1865 (XI of 1865), is omitted, as the Notification, so far as it affected that Act, was repealed by Notification No. 1371-I., dated the 29th March, 1889. The Hyderabad Assigned District Small Cause Courts Law, 1889 is the law now in force in Sikandarabad, *see* Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

¹³ The entry relating to the Indian Companies Act, 1866 (X of 1866), is omitted, as the notification, so far as it affected that Act, was repealed by Notification No. 4105, dated the 17th November, 1894 *see* *Gazette of India*, 1894, Pt. I, p. 621.

¹⁴ The Railway Servants Act, 1867 (XXXI of 1867), is omitted as the Act was repealed by Act IV of 1879. The Act now in force in Sikandarabad is Act IX of 1890, *see* Notification No. 1384-I, dated the 23rd March, 1891, printed *infra*, p. 441.

¹⁵ The entry relating to the General Clauses Act, 1868 (I of 1868), is omitted, as that Act was repealed by the General Clauses Act, 1897 (X of 1897), which is in force in Sikandarabad in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

¹⁶ The entry relating to Act XII of 1869 is omitted, as that Act was repealed by Act VIII of 1887, which was applied by Notification No. 4691-I., dated the 21st November, 1888, printed *infra*, p. 43-4.

B.—¹British-Sikandarabad Enactments—1.—(a) Notifications applying Acts—contd.

Number and year.	Subject.	Extent of application.	Modifications.
* * *	* * *	* * * *	* * * #2
IV of 1869	Divorce . . .	The whole Act, except so much of sections forty-seven and forty-nine as relates to stamps.	³ For the definition of "District Judge" in clause (2) of section 3 read— (2) "District Judge" means "such judicial officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the Gazette of India."
V of 1869	'Native Articles of War.	The whole Act, except the first three clauses of Part I, paragraph (c).	For "Local Government" read "Resident at Haidarabad." read
* * *	* * *	* * * *	* * * *
XXI of 1869	European Vagrancy .	The whole Act, except section two.	For "Local Government" read "Resident at Haidarabad." read
* * *	* * *	* * * *	* * * #6
* * *	* * *	* * * *	* * * #7
* * *	* * *	* * * *	* * * #8
* * *	* * *	* * * *	* * * #9
* * *	* * *	* * * † *	* * * #10
* * *	* * *	* * * *	* * * #11
* * *	* * *	* * * *	* * * #12
* * *	* * *	* * * *	* * * #13

¹⁸ The Evidence Act, 1872 (1 of 1872), is omitted, as the Act is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *swara*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*

Number and year.	Subject.	Extent of application.	Modifications.
* *	* * *	* * *	* * * #2
¹ XI of 1872	Foreign Jurisdiction and Extradition.	The whole Act, except section two and the first Schedule.	
XV of 1872	Christian Marriage . . .	The whole Act . . .	For "Local Government" read "Resident at Haidarabad."
* *	* * *	* * *	* * * #4
* *	* * *	* * *	* * * #5
XXI of 1872	Native Military Lunatics.	The whole Act.	
X of 1873	Oaths . . .	The whole Act, except section two and the Schedule.	
⁶ XIV of 1873	Military Lunatics' Property.	The whole Act.	

[See *Gazette of India*, 1873, Pt. I, p. 930.]¹ See also Ch. I *supra*, and for other Acts in force in Sikandarabad as part of the Combined Areas, see Ch. II.² The entry relating to Act X of 1872 is omitted, as the Code of Criminal Procedure, 1893 (Act V of 1893), is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1893, printed *supra*, p. 39.³ This Act is repealed in British India by the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879). The latter Act is in force in Sikandarabad *proprio vigore* so far as British subjects are concerned.⁴ The entry relating to the Evidence Act Amendment Act, 1872 (XVIII of 1872), is omitted, as Act I of 1872, as it stood on the Statute Book at the date of the notification, is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1893, printed *supra*, p. 39.⁵ The entry relating to Act XIX of 1872 (Definition of Coin) is omitted, as the Indian Penal Code (Act XLV of 1860), as it stood on the Statute Book at the date of the notification, is in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1893, printed *supra*, p. 39.⁶ This Act is virtually repealed in British India by Act XII of 1894.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.***

No. 130-J., dated the 11th October, 1876.—The Governor General in Council is pleased to declare that the following Acts apply to the Cantonment of Sikandarabad to the extent and subject to the modifications hereinafter mentioned.

Act.	Subject.	Extent of application.	Modifications.
¹ XIII of 1859	Masters and Workmen	The whole Act except section V.	In section I, for "any Presidency Town" read "in the Cantonment of Sikandarabad" and for "a Magistrate of Police" read "Cantonment Magistrate." In sections II and III, for "Magistrate" read "Cantonment Magistrate."
III of 1867	Public Gambling	Clauses 3, 4, 5, section I, section 3 to end, except section 14.	Throughout the Act, for "Magistrate of a District" or "any Magistrate" or "a Magistrate" or "Magistrate" read "the Cantonment Magistrate" In sections 5 and 17, for "Lieutenant-Governor or Chief Commissioner" read "Resident at Hyderabad." In section 7, omit "before the same or any other Magistrate." In section 8 omit "convicting." In section 10 for "the same or any other" read "such." In section 17, for "61" read "307" Omit section 18.

[See *Gazette of India*, 1876, Pt. I, p. 541.]

The Police Act, 1861 (V of 1861).

No. 3000-I., dated the 10th September, 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Cantonment of Sikandarabad, the Hyderabad Residency Bazars and the railway lands in His Highness the Nizam's territory (other than the railway lands in the Hyderabad Assigned Districts and those referred to in the Notification of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891), the following portions of Act V of 1861 (*an Act for the regulation of Police*), modified in the manner appearing in the annexed schedule.

¹ Short title "Workmen's Breach of Contract Act, 1857 (XIII of 1859), see Indian Short Titles Act, 1897 (XIV of 1897), printed, General Acts, Vol. VI, Ed. 1898 p. 331, which is in force in this Cantonment in virtue of Notification No. 1611-I.B., dated the 1st July, 1898, printed *supra*, p.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.***

2. So much of Part I, clause (1), of the Notification of the Government of India in the Foreign Department, ¹No. 1143-I., dated the 22nd March, 1888, as relates to Act V of 1861, and the whole of Part II, clause (5), of the said notification and the Notification of the Government of India in the Foreign Department, No. 4239-I., dated the 1st November, 1889, are hereby superseded.

SCHEDULE.*Act V of 1861, as hereby modified and applied.*

Whereas it is expedient to re-organize the police and to make it a more efficient instrument for the prevention and detection of crime ; It is enacted as follows :—

Preamble.

1. The following words and expressions in this Act shall have the meaning assigned to them, unless there be something in the subject or context repugnant to such construction,

Interpretation clause.

that is to say :—

The words “Magistrate of the district” shall mean as regards the Cantonment of Sikandarabad the Cantonment Magistrate, and as regards the Hyderabad Residency Bazars and the said railway lands the officer or respective officers exercising within them respectively the powers of a District Magistrate as described in the Code of Criminal Procedure, 1882 :²

The word “Magistrate” shall include all persons within the said Cantonment Bazars and lands respectively exercising all or any of the powers of a Magistrate :

X of 1882.

The word “police” shall include all persons who shall be appointed under this Act :

The words “District Superintendent” and “District Superintendent of Police,” shall include any Assistant District Superintendent or other person appointed by general or special order of the Resident at Hyderabad to perform all or any of the duties of a District Superintendent of Police under this Act :

The word “property” shall include any moveable property, money or valuable security :

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number :

Words importing the masculine gender shall include females :

The word “person” shall include a company or corporation :

The word “month” shall mean a calendar month :

The word “cattle” shall, besides horned cattle, include elephants, camels, horses, asses, mules, sheep, goats and swine.

* * * *

3. The superintendence of the police throughout the said Cantonment, bazars and lands shall vest in and, subject to the general control of the Governor General of India in Council, Superintendence in the Resident.

¹ The rest of this notification has since been cancelled by Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

² Read now the Code of Criminal Procedure, 1898 (Act V of 1898), *see* General Acts, Vol. VI, Ed. 1898, p. 380, which was applied by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.—(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.***

shall be exercised by the Resident at Hyderabad ; and, except as authorized under the provisions of this Act, no person, officer or Court shall be empowered by the Resident to appoint, supersede or control any police-functionary.

4. The administration of the police throughout the said Cantonment, bazars and lands shall be vested in the person for the time being holding the office of Inspector-General of Police, Hyderabad Assigned Districts, and, under the general control and direction of the Magistrate of the District, in a District Superintendent or Assistant District Superintendent of Police.

* * * * *

7. The appointment of all police-officers other than those mentioned in section 4 of this Act shall, under such rules as the Resident at Hyderabad shall from time to time sanction, rest with the Inspector-General and the District Superintendent or Assistant District Superintendent of Police,

Appointment, dismissal, and punishment of inferior officers. who may, under such rules as aforesaid, at any time dismiss, suspend or reduce any police-officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same,

or may award any one or more of the following punishments to any police-officer who shall discharge his duty in a careless or negligent manner, or who by any act of his own shall render himself unfit for the discharge thereof, namely :—

- (a) fine to any amount not exceeding one month's pay ;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue or other duty ;
- (c) deprivation of good-conduct pay ;
- (d) removal from any office of distinction or special emolument.

8. Every police-officer so appointed shall receive on his appointment a certificate in the form annexed to this Act, under the seal of the Inspector-General or such other officer as the Inspector-General shall appoint, by virtue of which the person holding such certificate shall be vested with the powers, functions and privileges of a police-officer.

Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be a police officer ; and, on his surrender of certificate. ceasing to be such an officer, shall be forthwith surrendered by him to any officer empowered to receive the same.

A police-officer shall not by reason of being suspended from office cease to be a police-officer. During the term of such suspension the powers, functions and privileges vested in him as a police-officer shall be in abeyance, but he shall continue subject to the same responsibilities, discipline and penalties and to the same authorities, as if he had not been suspended.

9. No police-officer shall be at liberty to withdraw himself from the duties of his office unless expressly allowed to do so by the District Superintendent or Assistant District Superintendent or, without the leave of the District Superintendent or Assistant District Superintendent, to resign his office, unless he Police officer not to resign without leave or two months' notice.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*The Police Act, 1861 (V of 1861)—*contd.*

shall have given to his superior officer notice, in writing, for a period of not less than two months, of his intention to resign.

10. No police-officer shall engage in any employment or office whatever other than his duties under this Act, unless expressly permitted to do so in writing by the Inspector-General.

Police-officers not to engage in other employment.

* * * *

12. The Inspector General of Police may from time to time, subject to the approval of the Resident at Hyderabad, frame such orders and rules as he shall deem expedient relative to the organization, classification and distribution of the police-force, the places at which the members of the force shall reside, and the particular services to be performed by them; their inspection, the description of arms, accoutrements and other necessities to be furnished to them; the collecting and communicating by them of intelligence and information; and all such other orders and rules relative to the police-force as the Inspector-General shall, from time to time, deem expedient for preventing abuse or neglect of duty, and for rendering such force efficient in the discharge of its duties.

Power of Inspector-General to make rules.

13. It shall be lawful for the Inspector-General of Police or the District Superintendent or Assistant District Superintendent, subject to the general direction of the Magistrate of the district, on the application of any person showing the necessity thereof, to depute any additional number of police-officers to keep the peace at any place within the said Cantonment, bazars and lands and for such time as shall be deemed proper. Such force shall be exclusively under the orders of the District Superintendent or Assistant District Superintendent, and shall be at the charge of the person making the application :

Additional police-officers employed at cost of individuals.

Provided that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector-General, or to the District Superintendent or Assistant District Superintendent, to require that the police-officers so deputed shall be withdrawn; and such person shall be relieved from the charge of such additional force from the expiration of such notice.

* * * *

16. (1) All moneys payable under section 13 shall be recoverable by the Magistrate of the district in the manner provided by sections 386 and 387 of the Code of Criminal Procedure, 1882,¹ for the recovery of fines, or by suit in any competent Court.

Recovery of moneys payable under section 13, and disposal of same when recovered.

(2) All moneys paid or recovered under section 13 shall be credited to a fund to be called "The General Police Fund," and shall be applied to the maintenance of the police-force under such orders as the Resident at Hyderabad shall pass.

17. When it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place, or may be reasonably apprehended, and that the police-force ordinarily

Special police-officers.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 1811-L.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*The Police Act, 1861 (V of 1861)—*contd.*

employed for preserving the peace is not sufficient for its preservation and for the protection of the inhabitants and the security of property in any part of the said Cantonment, bazars or lands, it shall be lawful for any police-officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the residents therein as such police-officer may require to act as special police-officers for such time and within such limits as he shall deem necessary : and the Magistrate to whom such application is made shall, unless he see cause to the contrary, comply with the application.

18. Every special police-officer so appointed shall have the same powers, privileges, and protection, and shall be liable to perform the same duties, and shall be amenable to the same penalties, and be subordinate to the same authorities, as the ordinary officers of police.

19. If any person being appointed a special police-officer as aforesaid shall, without sufficient excuse, neglect or refuse to serve as such, or to obey such lawful order or direction as may be given to him for the performance of his duties, he shall be liable, upon conviction before a Magistrate, to a fine not exceeding fifty rupees for every such neglect, refusal or disobedience.

20. Police-officers appointed under this Act shall not exercise any authority except the authority provided for a police-officer under this Act and the Code of Criminal Procedure, 1882.¹

* * * *

22. Every police-officer shall, for all purposes in this Act contained, be considered to be always on duty, and may at any time be employed as a police-officer in any part of the said Cantonment, Bazars or lands as the Inspector-General of Police may direct.

23. It shall be the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority ; to collect and communicate intelligence affecting the public peace ; to prevent the commission of offences and public nuisances ; to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorized to apprehend, and for whose apprehension sufficient ground exists ;

and it shall be lawful for every police-officer, for any of the purposes mentioned in this section, without a warrant, to enter and inspect any drinking-shop, gaming-house or other place of resort of loose and disorderly characters.

24. It shall be lawful for any police-officer to lay any information before a Magistrate, and to apply for a summons, warrant, search-warrant or such other legal process as may by law issue against any person committing an offence.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—(1).—(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.***

Police-officers to take charge of unclaimed property, and be subject to Magistrate's orders as to disposal.

25. It shall be the duty of every police-officer to take charge of all unclaimed property, and to furnish an inventory thereof to the Magistrate of the district.

The police-officers shall be guided as to the disposal of such property by such orders as they shall receive from the Magistrate of the district.

26. (1) The Magistrate of the district may detain the property and issue a proclamation, specifying the articles of which it consists, and requiring any person who has any claim thereto to appear and establish his right to the same within six months from the date of such proclamation.

Magistrate may detain property and issue proclamation.

(2) The provisions of section 525 of the Code of Criminal Procedure, 1882,¹ X of 1882, shall be applicable to property referred to in this section.

27. (1) If no person shall within the period allowed claim such property, or the proceeds thereof, if sold, it may, if not already sold under sub-section (2) of the last preceding section, be sold under the orders of the Magistrate of the district.

Confiscation of property if no claimant appears.

(2) The sale-proceeds of property sold under the preceding sub-section and the proceeds of property sold under section 26 to which no claim has been established shall be at the disposal of Government.

28. Every person, having ceased to be a police-officer under this Act, who shall not forthwith deliver up his certificate and the clothing, accoutrement, appointments and other necessaries which shall have been supplied to him for the execution of his duty, shall be liable, on conviction before a Magistrate, to a penalty not exceeding two hundred rupees, or to imprisonment, with or without hard labour, for a period not exceeding six months, or to both.

Persons refusing to deliver up certificate, etc., on ceasing to be police-officers.

29. Every police-officer who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by competent authority,

or who shall withdraw from the duties of his office without permission, or without having given previous notice for the period of two months,

or who, being absent on leave, shall fail, without reasonable cause, to report himself for duty on the expiration of such leave,

or who shall engage without authority in any employment other than his police-duty,

or who shall be guilty of cowardice,

or who shall offer any unwarrantable personal violence to any person in his custody,

shall be liable, on conviction before a Magistrate, to a penalty not exceeding three months' pay or to imprisonment, with or without hard labour, for a period not exceeding three months, or to both.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.***

30. (1) The District Superintendent or Assistant District Superintendent of Police may, as occasion requires, direct the conduct of all assemblies and processions on the public roads, or in the public streets or thoroughfares, and prescribe the routes by which, and the times at which, such processions may pass.

Regulation of public assemblies and processions, and licensing of same.

(2) He may also, on being satisfied that it is intended by any persons or class of persons to convene or collect an assembly in any such road, street or thoroughfare, or to form a procession which would, in the judgment of the Magistrate of the district or of the sub-division of a district, if uncontrolled, be likely to cause a breach of the peace, require by general or special notice that the persons convening or collecting such assembly or directing or promoting such procession shall apply for a license.

(3) On such application being made, he may issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place, and otherwise giving effect to this section: Provided that no fee shall be charged on the application for, or grant of, any such license.

(4) He may also regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

Music in the streets

30A. (1) Any Magistrate or District Superintendent of Police or Assistant District Superintendent of Police or Inspector of Police or any police-officer in charge of a station may stop any procession which violates the conditions of a license granted under the last foregoing section, and may order it or any assembly which violates any such conditions as aforesaid to disperse.

(2) Any procession or assembly which neglects or refuses to obey any order given under the last preceding sub-section shall be deemed to be an unlawful assembly.

31. It shall be the duty of the police to keep order on the public roads, and in the public streets, thoroughfares, ghats and landing-places, and at all other places of public resort, and to prevent obstructions on the occasions of assemblies and processions on the public roads and in the public streets, or in the neighbourhood of places of worship, during the time of public worship, and in any case when any road, street, thoroughfare, ghat or landing-place may be thronged or may be liable to be obstructed.

Police to keep order in public roads, etc.

32. Every person opposing or not obeying the orders issued under the last three preceding sections, or violating the conditions of any license granted by the District Superintendent or Assistant District Superintendent of Police for the use of music, or for the conduct of assemblies and processions, shall be liable, on conviction before a Magistrate, to a fine not exceeding two hundred rupees.

33. Nothing in the last four preceding sections shall be deemed to interfere with the general control of the Magistrate of the district over the matters referred to therein.

Saving of control of Magistrate of district.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*****The Police Act, 1861 (V of 1861)—*contd.***

34. Any person who, on any road or in any open place or street or thoroughfare within the limits of the said Cantonment, bazars or lands to which this section shall have been specially¹ extended by the Resident at Hyderabad, commits any of the following offences, to the obstruction, inconvenience, annoyance, risk, danger or damage of the residents or passengers, shall, on conviction before a Magistrate, be liable to a fine not exceeding fifty rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any police-officer to take into custody, without a warrant, any person who within his view commits any of such offences, namely :

Punishment for certain offences on roads, etc.
Power of police-officers.

First.—Any person who slaughters any cattle or cleans any carcass; any person who rides or drives any cattle recklessly or furiously, or trains or breaks any horse or other cattle :
Slaughtering cattle, furious riding, etc.

Second.—Any person who wantonly or cruelly beats, abuses or tortures any animal :
Cruelty to animals.

Third.—Any person who keeps any cattle or conveyance of any kind standing longer than is required for loading or unloading or for taking up or setting down passengers, or who leaves any conveyance in such a manner as to cause inconvenience or danger to the public :
Obstructing passengers.

Fourth.—Any person who exposes any goods for sale :
Exposing goods for sale.

Fifth.—Any person who throws or lays down any dirt, filth, rubbish or any stones or building materials; or who constructs any cowshed, stable or the like, or who causes any offensive matter to run from any house, factory, dung-heap or the like :
Throwing dirt into street, etc.

Sixth.—Any person who is found drunk or riotous or who is incapable of taking care of himself :
Being found drunk or riotous.

Seventh.—Any person who wilfully and indecently exposes his person, or any offensive deformity or disease, or commits nuisance by easing himself, or by bathing or washing in any tank or reservoir not being a place set apart for that purpose ;
Indecent exposure of person.

Eighth.—Any person who neglects to fence in or duly to protect any well, tank or other dangerous place or structure.
Neglect to protect dangerous places.

35. Any charge against a police-officer above the rank of a constable under this Act shall be enquired into and determined only by an officer exercising the powers of a Magistrate.
Jurisdiction.

36. Nothing contained in this Act shall be construed to prevent any person from being prosecuted under any other Regulation or Act for any offence made punishable by this Act, or from being liable under any other Regulation or Act to any other or higher penalty or punishment than is provided for such offence by this Act :
Power to prosecute under other law not affected.

¹ S 34 was extended to the Cantonment of Sikandarabad (with other areas) by Resident's Notification No. 20, dated the 21st May, 1897, see Hyderabad Residency Orders, 1897, Pt. I p. 102.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.—(a) Notifications applying Acts—*contd.*The Police Act, 1861 (V of 1861)—*contd.*

Proviso.

Provided that no person shall be punished twice for the same offence.

XLV of 1860.

X of 1882.

37. The provisions of sections 64 to 70, both inclusive, of the Indian Penal Code,¹ and of sections 386 to 389, both inclusive, of the Code of Criminal Procedure, 1882,² with respect to fines, shall apply to penalties and fines imposed under this Act on conviction before a Magistrate:

Provided that, notwithstanding anything contained in section 65 of the first-mentioned Code, any person sentenced to fine under section 34 of this Act may be imprisoned in default of payment of such fine for any period not exceeding eight days.

* * * * *

41. All sums paid for the service of process by police-officers, and all rewards, forfeitures and penalties, or shares of rewards, Rewards to police and informers payable to General Police Fund. forfeitures and penalties, which by law are payable to informers, shall, when the information is laid by a police-officer, be paid into the General Police Fund.

42. Notice in writing of all actions and prosecutions against any person, which may be lawfully brought for anything done or intended to be done under the provisions of that Act, or under the general police-powers hereby given, and of the cause thereof, shall be given to the defendant, or to the District Superintendent or Assistant District Superintendent of Police, one month at least before the commencement of the action.

No plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant, and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge before whom the trial is held shall certify his approbation of the action:

Tender of amends.

Provided always that no action shall in any case lie where such officers shall have been prosecuted criminally for the same act.

Proviso.

43. When any action or prosecution shall be brought or any proceedings held against any police-officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of a warrant issued by a Magistrate.

Such plea shall be proved by the production of the warrant directing the act, and purporting to be signed by such Magistrate, and the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. No proof of the signature of such Magistrate shall be necessary, unless the Court shall see reason to doubt its being genuine:

Provided always that any remedy which the party may have against the authority issuing such warrant shall not be affected by anything contained in this section

Proviso.

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which was applied by Notification No. 1811-I.B., dated the 1st July, 1898.

² Applied by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.—(a) Notifications applying Acts—*contd.*The Police Act, 1861 (V of 1861)—*concl'd.*

44. It shall be the duty of every officer in charge of a police-station to keep a general diary in such form as shall, from time to time, be prescribed by the Resident at Hyderabad and to record therein all complaints and charges preferred, the names of all persons arrested, the names of the complainants, the offences charged against them, the weapons or property that shall have been taken from their possession or otherwise, and the names of the witnesses who shall have been examined.

The Magistrate of the district shall be at liberty to call for and inspect such diary.

45. The Resident at Hyderabad may direct the submission of such returns by the Inspector-General and other police-officers as the Resident may prescribe form of returns to him shall seem proper, and may prescribe the form in which such returns shall be made.

46. (1) The Resident at Hyderabad may from time to time, by notification in the Hyderabad Residency Orders, make rules consistent with this Act—

(a) to regulate the procedure to be followed by Magistrates and police-officer in the discharge of any duty imposed upon them by or under this Act, and

(b) generally, for giving effect to the provisions of this Act.

(2) All rules made under this Act may from time to time be amended, added to or cancelled by the Resident.

FORM.

(See section 8.)

A. B. has been appointed a member of the police-force under Act V of 1861 as applied to the Cantonment of Sikandarabad, the Hyderabad Residency Bazars and the railway lands associated therewith for the purposes of the said Act, and is vested with the powers, functions and privileges of a police-officer.

[See *Gazette of India*, 1895, Pt. I, p. 750.]

The Indian Majority Act, 1875 (IX of 1875).

No. 510-I., dated the 4th February, 1889.—In exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Cantonment of Sikandarabad the provisions of the Indian Majority Act, 1875, subject to the following modifications, namely :—

For section 1 read—“ This Act may be called the Majority Act, 1889. It extends to the Cantonment of Sikandarabad, except so far as regards subjects of Her Majesty, and it shall come into force at once.”

In section 2, clause (b), for the words “ Her Majesty’s subjects in India ” read “ persons in the Cantonment of Sikandarabad.”

In section 3, omit the words “ and every minor under the jurisdiction of any Court of Wards”, and after the words and figures “ (Act No. X of 1865),” read “ as applied to the Cantonment of Sikandarabad.”

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.—(a) Notifications applying Acts—*contd.*****Indian Majority Act, 1875 (IX of 1875)—*contd.***

For the words "British-India" or "British-Indian Domicile", wherever they occur, read "the Cantonment of Sikandarabad" or "domiciled in the Cantonment of Sikandarabad" respectively

[See *Gazette of India*, 1889, Pt. I, p. 82.]

The Specific Relief Act, 1877 (I of 1877).

No 77-J., dated the 27th June, 1877.—His Excellency the Governor General in Council is pleased to extend the provisions of Act I of 1877 (The Specific Relief Act) * * * * *¹ to the Hyderabad Assigned Districts and to the Cantonment of Sikandarabad.

[See *Gazette of India*, 1877, Pt. I, p. 337.]

Destruction of Records Act, 1879 (III of 1879).

No. 227-I. J., dated the 15th August, 1879.—The Governor General in Council II of 1879. is pleased to extend Act III of 1879 (an Act to authorise the Destruction of Useless Records) to the Cantonment of Sikandarabad, subject to certain omissions and modifications which are requisite to adapt it to that cantonment.

The Act, as adapted to the Cantonment of Sikandarabad, is as follows :—

Whereas it is expedient to provide for the destruction or other disposal of useless records, books and papers in Courts and Revenue offices ; It is hereby enacted as follows :—

Preamble.

Short title.

Commencement.

1. This Act may be called " The Destruction of Records Act, 1879" : and it shall come into force at once.

2. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or being in the custody of his Court, or the Courts of civil and criminal jurisdiction subordinate thereto, as he may consider useless or unworthy of being permanently preserved.

3. The Resident at Hyderabad may, from time to time, make rules respecting the disposal, by destruction or otherwise, of such records, books and papers belonging to or in the custody of the Revenue Courts and offices as he may consider useless or unworthy of being permanently preserved.

4. All rules made under this Act shall, after being sanctioned by the Governor General in Council, be published in the local official Gazette, and shall thereupon have the force of law.

5. All rules and orders heretofore made by the Resident at Hyderabad for the destruction or other disposal of useless records, books and papers belonging to or in the custody of any Court or Revenue office shall be deemed to have Validation of rules as to destruction of documents.

¹ The words omitted affect the Indian Registration Act, 1877 (III of 1877), which is now in force in this Cantonment in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments.—1-(a) Notifications applying Acts—*contd.*****Destruction of Records Act, 1879 (III of 1879)—*contd.***

had the force of law from the date on which they were made, and all such rules now in force shall continue to have the force of law until they are rescinded by rules made under this Act; and no suit or other proceedings shall be instituted, maintained or continued against any person for the disposal, by destruction or otherwise, of any records, books or papers in accordance with any such rules or with any order made by the Resident at Hyderabad.

Bar of suits. 6. Nothing herein contained shall be deemed to authorise the destruction of any document which, under the provisions of any law for the time being in force, is to be kept and maintained.

[See *Gazette of India*, 1879, Pt. I, p. 559.]

The Glanders and Farcy Act, 1879 (XX of 1879).

No. 170-I.J., dated the 10th August, 1881.—His Excellency the Viceroy and Governor General in Council is pleased to extend¹ Act XX of 1879 (an Act to provide for the better prevention of glanders and farcy among horses) to the Cantonment of Sikandarabad, with effect from the 1st September, 1881, subject to the following modifications:—

For the words “Local Government,” wherever they occur, read “Resident at Hyderabad.”

[See *Gazette of India*, 1881, Pt. I, p. 323.]

The Transfer of Property Act, 1882 (IV of 1882), s. 108-B(f).

No. 2633-I.B., dated the 30th September, 1898.—In exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Cantonment of Sikandarabad the provisions of section 108-B (f) of the Transfer of Property Act, 1882 (IV of 1882).

[See *Gazette of India*, 1898, Pt. I, p. 1006.]

The Indian Explosives, Act, 1884 (IV of 1884).

No. 4743-I., dated the 4th November, 1887.—The Governor General in Council is pleased to extend to the Cantonment of Sikandarabad the provisions, as far as they may be applicable, of the Indian Explosives Act, IV of 1884, subject to the following modifications, namely:—

- (a) In section 1, sub-section (2), for the words “whole of British India” the words “Cantonment of Sikandarabad” shall be read.
- (b) In section 2, sub-section (1), for the words “on such day as the Governor General in Council by notification in ‘the *Gazette of India*’ appoints” the words “on the first day of January, 1888” shall be read.
- (c) In section 4, sub-section (6), for the words “British India by sea or land” the words “the Cantonment of Sikandarabad” shall be read.

¹ Repealed in British India by the Glanders and Farcy Act, 1899 (XI of 1899).

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*****The Indian Explosives Act, 1884 (IV of 1884)—*contd.***

- (d) For the first thirty-six words of section 5, sub-section (1), the words "The Resident at Hyderabad, with the previous sanction of the Governor General in Council, may" shall be read.
- (e) In section 7, sub-section (1), for the words "Governor General in Council or the Local Government" the words "Resident at Hyderabad" shall be read.
- (f) In section 9, sub-section (1), for the words "a District Magistrate, Sub-divisional Magistrate, or any other Magistrate specially empowered by the Local Government in this behalf" the words "the Cantonment Magistrate of Sikandarabad" shall be read.
- (g) For section 18, sub-section (5), the following shall be read, namely :—
 "(5) A rule made under this Act shall not take effect until it has been published in the Hyderabad Residency Orders."
- (h) In section 18, sub-section (6), for the word "Gazette" the words "Hyderabad Residency Orders" shall be read.
- (i) The following shall be omitted :—
 Section 3 ; in section 6, sub-section (2) ; in section 9, sub-section 3 ; section 11 ; in section 13 the words "or port," "ship" and "or conservator of the port"; and section 15.

[See *Gazette of India*, 1887, Pt. I, p. 568.]

The Petroleum Act, 1886 (XII of 1886.)

No. 3905-I.B., dated the 15th October, 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Petroleum Act, 1886 (XII of 1886), to the Cantonment of Sikandarabad, so far as they may be suitable :

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Cantonment of Sikandarabad may construe them with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court :

Provided, also, that references to the Local Government shall be read as referring to the Resident at Hyderabad and references to British India or territories subject to a Local Government as referring to the Cantonment of Sikandarabad ;

Provided, further, that, with reference to the provisions of section 26 of the enactment hereby applied, the Resident at Hyderabad shall, before making rules under the Act so applied, publish a draft of the proposed rules in the Hyderabad Residency Orders in English and such other language or languages as he may consider necessary.

[See *Gazette of India*, 1897, Pt. I, p. 935.]

The Military Courts of Requests Abolition Act, 1887 (VIII of 1887).

No. 4591-I., dated the 21st November, 1889.—Whereas the Governor General in Council has power and jurisdiction within the Cantonment of Sikandarabad ; In

¹ Repealed in British India by the Petroleum Act, 1899 (VIII of 1899).

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.*****The Military Courts of Requests Abolition Act, 1887 (VIII of 1887)—*contd.***

exercise of such power and jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him on this behalf, the Governor General in Council is pleased to extend the provisions, so far as they may be applicable, of the following enactments to the Cantonment of Sikandarabad, namely :—

* * * * * * *

Act VIII of 1887, abolishing Military Courts of Requests as established by Indian Military Law.

* * * * * * *

[See *Gazette of India*, 1888, Pt. I, p. 530.]

The Measures of Length Act, 1889 (II of 1889).

No. 3269-I., dated the 1st October, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879 and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act II of 1886 (the Measures of Length Act, 1889) to the Cantonment of Sikandarabad.

[See *Gazette of India*, 1890, Pt. I, p. 720.]

The Merchandise Marks Act, 1889 (IV of 1889).

No. 3531-I., dated the 24th October, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of the Indian Merchandise Marks Act, IV of 1889 (except sections 10, 11, 13, and 19), to the Cantonment of Sikandarabad, subject to the following modification :

In section 16, sub-section (1), for the words "Governor General in Council" and the words "*Gazette of India* and in local official Gazettes," the words "Resident at Hyderabad" and "Residency Orders" shall respectively be read.

[See *Gazette of India*, 1890, Pt. I, p. 766.]

The Cantonments Act, 1889 (XIII of 1889).

No. 1374-I., dated the 25th April, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Cantonments Act, XIII of 1889, so far as circumstances admit, to the Cantonment of Sikandarabad, subject to the following modifications :—

(1) For the words "Local Government," wherever they occur, the words "Resident at Hyderabad" shall be substituted.

¹ So far as this notification concerned Acts IV of 1886, VII of 1886, VI of 1888 and VII of 1888, it was repealed by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1—(a) Notifications applying Acts—*contd.*The Cantonments Act, 1889 (XIII of 1889)—*contd.*

- (2) For section 4 the following words shall be substituted :

“4. With the previous sanction of the Governor General in Council, the Resident at Hyderabad may, by notification in the official Gazette, define or alter the limits of the Cantonment of Sikandarabad for the purposes of this Act and of all other enactments for the time being in force.”

- (3) For section 7 the following section shall be substituted :—

“7. (1) The Cantonment Magistrate shall be such person as the Governor General in Council from time to time, by name or in virtue of his office, appoints in this behalf.

“(2) The Cantonment Magistrate shall exercise the powers of a District Magistrate as described in the Code of Criminal Procedure, 1882.

“(3) The Resident at Hyderabad may invest the Cantonment Magistrate with the powers described in section 30 of the Code of Criminal Procedure, 1882.”

- (4) 1 * * * * *

- (5) Section 12 shall be omitted.

- (6) In section 17, for the words “the territories administered by such Government,” each time they occur, the words “British India” shall be substituted.

- (7) In sub-section (1) of section 18, for the words “any cantonment which is not included in a municipality and which is situated in any part of British India in which that Act is in force” the words “the cantonment of Sikandarabad” shall be substituted.

- (8) For sub-sections (1) and (2) of section 27 the following shall be substituted namely :—

“(1) Whenever the Governor General in Council has, by a notification in the *Gazette of India*, extended under section 25 any enactment in any form to any cantonment or any part of any Cantonment in British India, or made under section 26 any rule for any such cantonment, or any part of any such cantonment the Governor-General in Council may, by notification in the *Gazette of India*, declare the enactment or rule so extended or made to be in force in the cantonment of Sikandarabad or any part thereof, subject to such restrictions and modifications, if any, as he thinks fit.

“(2) The enactment or rule shall thereupon, in accordance with such declaration, be in force in the Cantonment of Sikandarabad or the part thereof, as the case may be, until the Governor General in Council otherwise directs.”

II.—For the purpose of facilitating the application of the Cantonments Act, 1889, in the Cantonment of Sikandarabad, any Court in the said cantonment may construe it with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the Court.

¹ Paragraph (4), which relates to the modification with which s. 8 (i) of the Act was applied to Sikandarabad is omitted, as the whole of that section and ss. 9 to 11 of the Act have been repealed in Sikandarabad by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39. See now the Hyderabad Assigned Districts Small Cause Courts Law, 1889, which was applied by the same Notification.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.—(a) Notifications applying.
Acts—*contd.*****The Cantonments Act, 1889 (XIII of 1889)—*contd.***

III.—The notification of the Government of India in the Foreign Department, No. 70-I., dated the 7th January, 1884 (extending the Cantonments Act, III of 1880, to the Cantonment of Sikandarabad) and the portion of sub-section (1) of section 4 of the Sikandarabad Small Cause Court Law, 1889,¹ from and after the words “and shall be deemed” to the end of the sub-section, are hereby cancelled.

[See *Gazette of India*, 1890, Pt. I, p. 262.]

The Indian Railways Act, 1890 (IX of 1890).

No. 1334-I., dated the 23rd March, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Cantonment of Sikandarabad the provisions, so far as they may be suitable, and as amended for the time being by subsequent enactments, of the Indian Railways Act, IX of 1890, subject to the modification that references to a Local Government shall be construed as referring to the Resident at Hyderabad.

2. In exercise of the power conferred by section 144 of the said Indian Railways Act, the Governor General in Council is pleased to delegate to the Resident at Hyderabad, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act; the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor General in Council may from time to time think fit:—

(1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions will not entail any expenditure in excess of the general powers of sanction of the Resident.

(2) *Section 51, clauses (a), (b), (c), (d) and (e), and section 55.*—All the powers and functions of the Governor General in Council.

(3) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.

(4) *Section 83.*—The power of notifying the Magistrates and Police-officers to whom notices of Railway accidents are to be given.

3. The Notification of the Government of India in the Foreign Department, No. 171-I.J., dated the 10th July, 1879, is hereby cancelled.

[See *Gazette of India*, 1891, Pt. I, p. 169.]

The Cruelty to Animals Act, 1890 (XI of 1890).

No. 3315-I., dated the 3rd October, 1890. In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply, so far as they may be applicable, the provisions of the Prevention

¹ The whole of the Sikandarabad Small Cause Courts Law, 1889, has now been superseded by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.—(a) Notifications applying Acts—*contd.*****The Cruelty to Animals Act, 1890 (XI of 1890)—*contd.***

of Cruelty to Animals Act, XI of 1890, to the Cantonment of Sikandarabad, subject to the following modifications :—

- (1) For the words “British India” and “the Local Government,” wherever they occur, the words “the Cantonment of Sikandarabad” and “the Resident at Hyderabad” shall respectively be read.
- (2) In section 1, the whole sub-section (2), the words and figure down to and including the words “a local area” in sub-section (3), and the words and figure “sub-section (2) or” in sub-section (4), and the whole of section 12, shall be omitted.
- (3) In section 1, sub-section (3), for the words “the local area” each time they occur, the words “the Cantonment of Sikandarabad” shall be read.

[See *Gazette of India*, 1890, Pt. I, p. 720.]

The Indian Christian Marriage Act (1872) Amendment Act, 1891 (II of 1891).

No. 2550-I., dated the 18th June, 1891.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of Act II of 1891. (*An Act to amend the Indian Christian Marriage Act, 1872*) to the Cantonment of Sikandarabad, subject to the following modifications, *viz.* :—

- (1) In section 6 of the Indian Christian Marriage Act, 1872, as substituted by section 1, sub-section (1), of Act II of 1891, for the words “Local Government,” “its” “and local official Gazette,” the words “Resident at Hyderabad,” “his,” and “Hyderabad Residency Orders” shall respectively be read.
- (2) In section 62, sub-section (1), of the Indian Christian Marriage Act, 1872, as substituted by section 4 of Act II of 1891, for the words “Local Government by which he was licensed,” “Local Government,” and “that Government,” the words “Resident at Hyderabad,” “Resident” and “the Resident” shall respectively be read.
- (3) In section 62, sub-section (2), of the Indian Christian Marriage Act, 1872, as substituted by section 4 of Act II of 1891, shall be omitted.
- (4) In section 4, sub-section (2), of Act II of 1891, for the words “section 30 of the Births, Deaths and Marriages Registration Act, 1886,” the words “section 28 of the Sikandarabad Births, Deaths and Marriages Registration Law, 1888,” shall be read.

[See *Gazette of India*, 1891, Pt. I, p. 355].

The Repealing and Amending Act, 1891 (XII of 1891), and Act VII of 1894.

¹ No. 3170-I., dated the 25th September, 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of

¹ The Prisoners Act, 1871 (V of 1871), in the form in which it is in force in the Hyderabad Assigned Districts, is now in force in Sikandarabad, *see* Notification No. 1811-I.B, dated the 1st July, 1898, printed *supra*, p. 39. This notification is therefore now superseded by the later one.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts—*contd.***

The Repealing and Amending Act, 1891 (XII of 1891) and Act VII of 1894—*contd.*

1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply to the Cantonment of Sikandarabad so much of the Repealing and Amending Act (XII of 1891) as refers to the Prisoners Act (V of 1871) and the provisions, as far as they may be applicable, of Act VII of 1894 (an Act to amend the Prisoners Act, 1871) subject to the following modifications in Act VII of 1894, namely :

- (1) In sections 4 and 5 for the words "British India" wherever they occur the words "the Cantonment of Sikandarabad" shall be read.
- (2) In section 6, for the words "the territories subject to the same Local Government" the words "the Hyderabad Assigned Districts" shall be read.
- (3) In section 7 the word "other" shall be omitted ; and
- (4) For the words "Local Government," wherever they occur, the words "Resident at Hyderabad" shall be read.

[See *Gazette of India*, 1895, Pt. I, p. 794.]

The Land Acquisition Act, 1894 (I of 1894).

No. 2349-I, dated the 12th July, 1894—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, so far as they may be suitable, of the Land Acquisition Act (I of 1894) to the Cantonment of Sikandarabad, subject to the following modifications, namely :—

- (1) For the words "Local Government" and "official Gazette," or "local official Gazette," wherever they occur in the Act, the words "Resident at Hyderabad" and "Hyderabad Residency Orders" respectively shall be read.
- (2) In section 1, the sub-sections (2) and (3) shall be omitted.
- (3) Section 2 shall be omitted.
- (4) For the definition of "Collector" in section 3, clause (c), the following shall be read :—
"The expression 'Collector' means the Cantonment Magistrate of Sikandarabad, and includes any officer specially appointed by the Resident at Hyderabad to perform the functions of a Collector under this Act."
- (5) In section 4, sub section (2), for the words "such Government" the words "the Resident at Hyderabad" shall be read.
- (6) In section 6, for the words "a Secretary to such Government" the words "the First Assistant to the Resident at Hyderabad" shall be read.
- (7) In section 43, the words "and the corresponding sections of the Land Acquisition Act, 1870, shall be deemed never to have applied," and the words "or was" shall be omitted.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(a) Notifications applying Acts *concl'd.*****The Land Acquisition Act 1894, (I of 1894)—*contd***

- (8) In section 47, the words “or (within the towns of Calcutta, Madras, and Bombay) to the Commissioner of Police” and the words “or Commissioner (as the case may be)” shall be omitted.
- (9) In section 54, for the words “High Court” the words “Resident at Hyderabad” shall be read.

[See *Gazette of India*, 1894, Pt. I, p. 421.]

The Prisons Act, 1894 (IX of 1894).

No. 1092-I., dated the 2nd April, 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Prisons Act (IX of 1894) to the Cantonment of Sikandarabad so far as they may be suitable, with effect from this date :

Provided that, for the purpose of facilitating the application of the provisions of the enactment hereby applied, any Court in the Cantonment of Sikandarabad may construe them with such alterations not affecting the substance as may be necessary or proper to adapt them to the matter before the Court :

Provided also that references to the Local Government shall be read as referring to the Resident at Hyderabad and references to British India or territories subject to a Local Government as referring to the Cantonment of Sikandarabad.

2. The Notification of the Government of India in the Foreign Department, No. 4248-I., dated the 1st November, 1889, applying the provisions of the Prisons Act (XXVI of 1870) to the Cantonment of Sikandarabad, is hereby cancelled.

[See *Gazette of India*, 1895, Pt. I, p. 276].

The Cantonments Act, 1897 (XV of 1897).

No. 1268-1 A., dated the 13th May, 1898.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in continuation of the Notifications of the Government of India in the Foreign Department, Nos. 2012—2017-I., dated the 21st June, 1895, and No. 3847-I., dated the 5th December, 1895, respectively, to apply the provisions of the Cantonments Act, 1897 (XV of 1897), to the Cantonments of Sikandarabad, *Mhow*, *Neemuch*, *Deesa*, *Nowgong*, *Baroda* and *Bhuj*, respectively.

[See *Gazette of India*, 1898, Pt. I, p. 474.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws.**

Commitments by the Cantonment Magistrate, Sikandarabad.

No. 29, dated the 15th February 1862.—The Viceroy and Governor General in Council is pleased to declare that all criminal cases committed from the Court of the Cantonment Magistrate at Sikandarabad * * * *¹ shall, in future, be tried and determined by the First Assistant Resident at Hyderabad, who will, in respect of such commitments, exercise the powers of a Sessions Judge.

* * * * *

[See *Gazette of India*, 1869, page 264.]

Trials for breaches of the Opium Rules in force in the Nizam's Dominions.

No. 18, dated the 17th September, 1881.—At the request of His Highness the Nizam's Government, the Resident is pleased to invest the Cantonment Magistrate of Sikandarabad with power to try all offenders within the limits of the Cantonments of Sikandarabad and Bolarum charged with breaches of the Opium Rules in force in His Highness the Nizam's Dominions.

[See *Hyderabad Residency Orders*, 1881, Pt. I, p. 209.]

Rules for regulating the reciprocal execution of civil decrees and the realization of State demands.

No. 26, dated the 19th December, 1884.—With the sanction of the Government

* Foreign Department letter No. 3953-I., dated 25th October, 1884.

of India,* and the concurrence of His Highness the Nizam's Government, the following rules are prescribed, in order to regulate the reciprocal execution of civil decrees passed by the City and Suburban Courts, the Cantonment Magistrate at Sikandarabad, and the Superintendent of the Hyderabad Residency Bazars, and the realization of the State demands of the British and His Highness the Nizam's Governments.

I.—The Cantonment Magistrate at Sikandarabad and the Superintendent of the Hyderabad Residency Bazars are authorized by the Governor-General in Council to execute and realize, against the property of any person residing in or possessing property within the local limits of their respective jurisdictions, civil decrees, original or appellate, passed by His Highness the Nizam's City and Suburban Courts and State demands preferred by His Highness the Nizam's Government: Provided that the execution or realization of such decrees or State demands has been approved and directed by the Resident at Hyderabad.

II.—Should the decree or demand be executed or realized, its amount will be remitted, together with a certificate of execution or realization, through the Resident to the Nizam's Government. Should execution or realization be impossible, the decree or demand will be endorsed to that effect, and returned through the Resident to the Nizam's Government.

III.—Civil decrees passed by the Cantonment Magistrate, Sikandarabad, or by the Superintendent of the Hyderabad Residency Bazars, may be forwarded to

¹ Relates to the Hyderabad Residency Bazars. Cancelled by Notification No. 1637-I., dated the 22nd May, 1885. See now Notification No. 1811 I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² Repealed, by Notification No. 2524-I., dated the 31st July, 1890, see now Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.(b)—Special Local Laws—*contd.*Rules for regulating reciprocal execution of Civil decrees, etc.—*contd.*

His Highness the Nizam's Government through the Resident for execution within the jurisdiction of the City and Suburban Court. The Resident may also forward to the Nizam's Government for realization State demands (of the British Government) which may arise within the Cantonment of Sikandarabad, or the Hyderabad Residency Bazar.

IV.—State demands to be realized for the Nizam's Government, or to be sent for realization by the Resident to the Nizam's Government, will be restricted to items of revenue, or other incomings connected with land-revenue, water-rates abkari or customs or debts due on contracts for the farm or collection of the same between individuals and the Government of the Nizam on the one hand, or the British Government on the other; or fines, or forfeitures, leviable from such contractors or their sureties.

XIV of 1882. V.—In effecting the executions and realizations referred to above, the Cantonment Magistrate at Sikandarabad and the Superintendent of the Residency Bazar will, as far as may be convenient, be guided by the provisions of the Code of Civil Procedure,¹ or of the law or rules which obtain in the Bombay Presidency for the realization of State demands, as the case may be; they will refer doubtful points for the orders of the Resident, whose decision thereon shall be final.

[See *Hyderabad Residency Orders*, 1885, Pt. I, p 9.]

Rules for regulating the reciprocal surrender of Hyderabad subjects in the Cantonment of Sikandarabad and of persons in the Hyderabad State.

No. 27, dated the 20th December 1884.—The following rules have been prescribed by the Government of India for the surrender of Hyderabad subjects accused of criminal offences, and present or living in the Cantonment of Sikandarabad, and also for making requisitions for the surrender by His Highness the Nizam's Government of persons accused of having committed a criminal offence within the Cantonment of Sikandarabad.

Rule I.—The Resident at Hyderabad is authorised by the Governor General in Council to direct that any Native Indian subject of His Highness the Nizam may be arrested within the limits of the Cantonment of Sikandarabad and delivered over to an official of the Nizam: *provided that* the Resident shall issue no such order except in compliance with the conditions specified below, namely:—

(1) No such order shall be issued unless the Nizam's Government applies to the Resident, in writing, for the arrest and surrender of the person in question.

(2) Such application of the Nizam's Government shall furnish the Resident with information, written and duly authenticated, which he considers to be satisfactory on the following points:—

(a) that the person whose arrest and surrender are required is a Native Indian subject of the Nizam;

(b) that such person is charged on reasonable grounds with having committed an offence (as defined in section 40 of the Indian Penal Code) within the territories administered by the Nizam;

(c) that such person is in the Cantonment of Sikandarabad.

XLV of 1860.

¹ The Civil Procedure Code (*see* General Acts, Vol. IV, Ed. 1898, p. 360) is in force in Sikandarabad, *see* now Notification No. 1811.-L.B., dated the 1st July 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*Rules for regulating the reciprocal surrender of Hyderabad subjects, etc.—*contd.*

(3) The Resident's order shall be in such form as the Resident may, from time to time, think fit: *provided that*—

- (a) it shall be addressed to the Cantonment Magistrate at Sikandarabad; and
- (b) it shall name the official of the Nizam to whose custody the person to be arrested shall be surrendered.

(4) A certified copy of the order shall be furnished by the Resident to the Nizam's Government, and shall be presented by the official of His Highness therein named to the Cantonment Magistrate at Sikandarabad.

Rule II.—There shall be no appeal from an order passed by the Resident under the last preceding rule.

Rule III.—The Cantonment Magistrate at Sikandarabad is authorised by the Governor General in Council to execute, within the limits of the Cantonment of Sikandarabad, an order of arrest and surrender purporting to have been issued by the Resident in accordance with Rule I: *provided that* the official of the Nizam named in the order sent by the Resident to the Nizam's Government presents to the Cantonment Magistrate the certified copy thereof.

Rule IV.—If any person charged before the Cantonment Magistrate, or the Assistant Cantonment Magistrate, at Sikandarabad, with having committed an offence (as defined in section 40 of the Indian Penal Code¹) within the limits of the Sikandarabad Cantonment, is, or is believed to be, within the territories administered by the Nizam, the Cantonment Magistrate may send to the Resident an application for the arrest and surrender of such person, and the Resident may forward the application to the Nizam's Government. XLV of 1860.

Rule V.—An application under the last preceding Rule may be made in such form as the Resident may, from time to time, think fit: *provided that* it shall furnish the Resident with satisfactory evidence on the following points:—

- (a) that the person whose arrest and surrender are required is charged on reasonable grounds with having committed an offence (as defined in the Indian Penal Code)¹ within the Cantonment of Sikandarabad; and XLV of 1860.
- (b) that such person is in the territories administered by His Highness the Nizam.

Rule VI.—In the event of an application for arrest and surrender under the last preceding rule being complied with by the Nizam's Government, the Cantonment Magistrate at Sikandarabad shall take measures to bring the person surrendered to trial, according to law, before his own Court or before the Court of the Assistant Cantonment Magistrate at Sikandarabad.

[See *Hyderabad Residency Orders*, 1885, Pt. I, p. 10.]

The Sikandarabad Hackney Carriage Law, 1887.

No. 4330-I., dated the 30th September, 1887.—Whereas it is expedient to provide for the regulation and control of Hackney Carriages in the Cantonment of Sikandarabad, the Governor General in Council is pleased to make the following Law:—

Short title, local extent and commencement.

1. (I) This Law may be called the Sikandarabad Hackney Carriage Law, 1887.

¹ Printed, General Acts, Vol. I, Ed. 1898, p. 240. It is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*The Sikandarabad Hackney Carriage Law, 1887—*contd.*

(2) It extends to the Cantonment of Sikandarabad; and

(3) It shall come into force at once.

2. In this Law “Hackney Carriage” means any wheeled vehicle drawn by animals, and used for the conveyance of passengers, which is kept, or offered, or plies, for hire.
Definition of Hackney Carriage.

3. (1) The Resident at Hyderabad may, from time to time, make rules for the regulation and control of hackney carriages within the limits of the Cantonment of Sikandarabad.
Power to Resident to make rules.

(2) Every rule made under this section shall, when published by the Resident at Hyderabad for such time and in such manner as the Resident may from time to time prescribe, have the force of law:

Provided that the Governor General in Council may, at any time, rescind any such rule.

4. The rules to be made under section 3 may, among other matters,—
What rules may provide for.

- (a) direct that no hackney carriage, or no hackney carriage of a particular description, shall be let to hire, or taken to ply, or offered for hire, except under a license granted in that behalf;
- (b) direct that no person shall act as driver of a hackney carriage except under a license granted in that behalf;
- (c) provide for the issue of the licenses referred to in clauses (a) and (b), prescribe the conditions (if any) on which such licenses shall be granted, and fix the fees (if any) to be paid therefor;
- (d) regulate the description of animals, harness, and other things to be used with licensed carriages, and the condition in which such carriages, and the animals, harness and other things used therewith, shall be kept, and the lights (if any) to be carried after sunset and before sunrise;
- (e) provide for the inspection of premises on which any such carriages, animals, harness and other things are kept;
- (f) fix the time for which such licenses shall continue in force, and the events (if any) upon which within that time they shall be subject to revocation or suspension;
- (g) provide for the numbering of such carriages;
- (h) determine the times at which, and the circumstances in which, any person keeping a hackney carriage shall be bound to let or refuse to let the carriage to any person requiring the same;
- (i) appoint places as stands for hackney carriages and prohibit such carriages waiting for hire except at such places;
- (j) limit the rates or fares, as well for time as distance, which may be demanded for the hire of any hackney carriage; and prescribe the minimum speed at which such carriages, when hired by time, shall be driven;
- (k) limit the number of persons, and the weight of property, which may be conveyed by any such carriage;

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*The Sikandarabad Hackney Carriage Law, 1887—*contd.*

- (l) require the owner or person in charge of any such carriage to keep a printed list of fares in English and such other language as may be prescribed affixed inside such carriage in such place as may be determined by the rules, and prohibit the destruction or defacement of such list;
- (m) require drivers to wear a numbered badge or ticket, and to produce their licenses when required by a Magistrate or other person authorised by the rules in this behalf, and prohibit the transfer or lending of such licenses and badges; and
- (n) provide for the deposit of property found in such carriage, and the payment of a fee by the owner of such property on the delivery thereof to him.

Penalty for breach of rules.

5. Any person breaking any rule made under this Law shall be punished with fine which may extend to fifty rupees.

6. The amount of any fees received and the amount of any expenses incurred in giving effect to this Law shall be credited and debited respectively to the Sikandarabad Cantonment Fund.

7. (1) If any dispute arises between the hirer of any hackney carriage and the owner or driver of such carriage as to the amount of the fare payable by such hirer under any rule made under this Law, such dispute shall, upon application made in that behalf by either of the disputing parties, be heard and determined by any Magistrate or Bench of Magistrates within the local limits of whose jurisdiction such dispute has arisen; and such Magistrate or Bench may, besides determining the amount so in dispute, direct that either party shall pay to the other such sum as compensation for loss of time as such Magistrate or Bench thinks fit.

(2) Any sum determined to be due or directed to be paid under this section shall be recoverable as if it were a fine.

(3) The decision of any Magistrate or Bench in any case under this section shall be final.

(4) When any such case is heard by a Bench, any difference of opinion arising between the members of such Bench shall be settled in the same manner as differences of opinion arising between such members in the trial of criminal cases.

8. (1) If at the time any dispute mentioned in section 7 arises any Magistrate or Bench of Magistrates having jurisdiction in respect of such dispute is sitting, the hirer of the carriage may require the driver thereof to take him in the same to the Court of such Magistrate or Bench for the purpose of making an application under that section.

(2) Any driver neglecting or refusing to comply with such requisition shall be punished with imprisonment for a term which may extend to one month, or with fine not exceeding fifty rupees, or with both.

[See *Gazette of India*, 1887, Pt. I, p. 487.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.—(b) Special Local Laws—*contd.*

The Sikandarabad Births, Deaths and Marriages Registration Law, 1888.

XV of 1872. ¹ No. 467-I., dated the 1st February, 1889.—Whereas it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons in the Cantonment of Sikandarabad, for the more effectual registration of those births and deaths and of marriages registered in that Cantonment under the Indian Christian Marriage Act, 1872, and for the establishment of a general registry office for keeping registers of those births, deaths and marriages :

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of that Cantonment, and to declare that copies of the entries in those registers shall be admissible in evidences ;

The Governor General in Council has been pleased to issue the following orders :—

CHAPTER I.

PRELIMINARY.

1. (1) These orders may be called the Sikandarabad Births, Deaths and Marriages Registration Law, 1888, and are herein Title and commencement. after referred to as “this Law” ; and

(2) They shall come into force on such day as the Governor General in Council by notification in the *Gazette of India*, directs.

(3) Any power conferred by this Law to make rules or to issue orders may be exercised at any time after the publication of this Law in the *Gazette of India* ; but a rule or order so made or issued shall not take effect until the Law comes into force.

Extent. 2. This Law extends to the whole of the Cantonment of Sikandarabad.

Definitions. 3. In this Law, unless there is something repugnant in the subject or context,—

(1) “Resident” means the Resident at Hyderabad :

(2) “sign” includes mark, when the person making the mark is unable to write his name :

(3) “prescribed” means prescribed by a rule made by the Governor General in Council under this Law : and

(4) “Registrar of Births and Deaths” means a Registrar of Births and Deaths appointed under this Law.

4. Nothing in this Law, or in any rule made under this Law, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas. Saving of local laws.

Powers exerciseable from time to time.

5. All powers conferred by this Law may be exercised from time to time as occasion requires.

¹ The Law was declared to come into force on the 1st December, 1890, see *Gazette of India*, 1890, Pt. I, p. 843.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1. (b) Special Local Laws—*contd.*The Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.*

CHAPTER II.

GENERAL REGISTRY OFFICE OF BIRTHS, DEATHS AND MARRIAGES.

Establishment of general registry
office and appointment of Regis-
trar-General.

6. The Resident—

(a) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Law, or marriages registered under the Indian Christian Marriage Act, 1872, as may be sent to it under this Law, or under the Indian Christian Marriage Act as amended by this Law; and XV of 1872.

(b) may appoint to the charge of that office an officer to be called the Registrar-General of Births, Deaths and Marriages.

7. The Registrar-General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Law, or under the Indian Christian Marriage Act as amended by this Law, to be made and kept in his office in the prescribed form. XV of 1872.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar-General of Births, Deaths and Marriages, or by an officer authorised in this behalf by the Resident, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

10. The Registrar-General of Births, Deaths and Marriages shall exercise a general superintendence over the Registrars of Births and Deaths.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

Application of this Chapter.

11. (1) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion. X of 1865.

(2) But the Resident, by notification in the Residency Orders, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.—(b) Special Local Laws—*contd.*The Sikandarabad Births, Deaths and Marriages Registration Law, 1888 - *contd.**Registration Establishment.*

12. The Resident may appoint, either by name or by virtue of their office, so Power for Resident to appoint many persons as he thinks necessary to be Registrars. Registrars of Births and Deaths for such local areas as he may define and, if he sees fit, for any class of persons in any local area.

XLV of 1860. 13. Every Registrar of Births and Deaths shall be deemed to be a public servant Registrar to be deemed a public within the meaning of the Indian Penal Code. servant.

Power to remove Registrars.

14. (1) The Resident may suspend, remove or dismiss any Registrar of Births and Deaths.

(2) A Registrar of Births and Deaths may resign by notifying in writing to the Resident his intention to do so, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

15. (1) Every Registrar of Births and Deaths shall have an office in the local Office and attendance of Registrar. area for which he is appointed.

(2) Every Registrar of Births and Deaths to whom the Resident may direct this sub-section to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar-General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

16. (1) When any Registrar of Births and Deaths to whom the Resident may direct this section to apply is absent, or when his office is temporarily vacant, any person whom the Registrar-General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the First Assistant Resident at Hyderabad, or such other officer as the Resident appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Resident fills the vacancy.

(2) The Registrar-General of Births, Deaths and Marriages shall report to the Resident all appointments made by him under this section.

17. The Resident shall supply every Registrar of Births and Deaths with a Register books to be supplied and sufficient number of register books of births and of preservation of records to be provided register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

Mode of Registration.

18. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall, if the notice is given within the prescribed time and in the prescribed mode, by a person authorised by this Law to give the notice, forthwith make an entry of the birth or death in the proper register book :

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD — *contd.***B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*****The Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.***

Provided that—

- (a) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the First Assistant Resident at Hyderabad directing him to make the entry and prescribing the manner in which the entry is to be made ; and
- (b) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorised to give notice of birth. 19. Any of the following persons may give notice of a birth, namely :—

- (a) the father or mother of the child ;
- (b) any person present at the birth ;
- (c) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house ;
- (d) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred ;
- (e) any person having charge of the child.

Persons authorized to give notice of death. 20. Any of the following persons may give notice of a death, namely :—

- (a) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death ;
- (b) any person present at the death ;
- (c) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house ;
- (d) any person in attendance during the last illness of the deceased ;
- (e) any person who has seen the body of the deceased after death.

21. (1) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 18, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

Entry of birth or death to be signed by person giving notice.

(2) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Law.

(3) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

22. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

Grant of certificate of registration of birth or death.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*****The Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.***

23. (1) Every Registrar of Births and Deaths shall send to the Registrar-General of Births, Deaths and Marriages, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals :

Duty of Registrars as to sending certified copies of entries in register books to Registrar-General.

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland, the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the Registrar-General of Births, Deaths and Marriages.

(2) In this section "Church of England" and "Church of Scotland" means the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

24. (1) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

(2) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

25. Notwithstanding anything in section 18, the Governor General in Council may make rules authorising Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

Penalty for False Information.

26. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Law, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Correction of Errors.

27. (1) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Law is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(2) If a certified copy of the entry has already been sent to the Registrar-General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1-(b) Special Local Laws—*contd.*The Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.*

CHAPTER IV.

AMENDMENT OF CHRISTIAN MARRIAGE ACT.

28. In the Indian Christian Marriage Act, 1872, as applied to the Cantonment XV of 1872. Amendment of the Indian Christian Marriage Act, 1872. of Sikandarabad, the following amendments shall be made, namely :—

- (a) at the end of section 3, the words “ ‘Registrar-General of Births, Deaths and Marriages’ means the Registrar-General of Births, Deaths and Marriages appointed under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888,” shall be added ;
- (b) for the words “ Secretary to the Resident at Hyderabad,” wherever they occur, the words “ Registrar-General of Births, Deaths and Marriages ” shall be substituted ;
- (c) for the words “ at such places as the Resident at Hyderabad directs,” in section 62, the words “ in the office of the Registrar-General of Births, Deaths and Marriages ” shall be substituted ; and
- (d) in section 81, after the words “ Registrar-General of Births, Deaths and Marriages,” the words “ in England ” shall be added.

CHAPTER V.

SPECIAL PROVISIONS AS TO CERTAIN EXISTING REGISTERS.

29. If any person has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (1), or of any register or record of marriage of any persons of the classes to which the Indian Christian Marriage Act, 1872, applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by law, he may, within one year from the date on which this Law comes into force, send the register or record to the office of the Registrar-General of Births, Deaths and Marriages.

30. (1) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar-General of Birth, Deaths and Marriages under the last foregoing section.

(2) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

31. (1) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar-General of Births, Deaths and Marriages under section 29 ;

and shall deliver to the Registrar-General a decriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*The Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.*

(2) The list or lists shall contain the prescribed particulars and refer to the registers or records or to the portions of the registers or records, in the prescribed manner.

(3) The Commissioners shall also certify in writing upon some part of every separate book or volume containing any such register or record or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records referred to in the said list or lists.

32. (1) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar-General of Births, Deaths and Marriages shall be at all reasonable times open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

(2) A copy of an entry given under this section shall be certified by the Registrar-General of Births, Deaths and Marriages, or by an officer or person authorised in this behalf by the Resident and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

33. In addition to any other power to make rules impliedly or expressly Power for Governor General in conferred by this Law, the Governor General in Council to make rules. Council may make rules—

- (a) to fix the fees payable under this Law ;
- (b) to prescribe the forms required for the purposes of this Law ;
- (c) to prescribe the time within which, and the mode in which, persons authorised under this Law to give notice of a birth or death to a Registrar of Births and Deaths must give the notice ;
- (d) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Law, and the intervals at which they are to send to the Registrar-General of Births, Deaths, and Marriages true copies of the entries of births and deaths in the registers kept by them ;
- (e) to prescribe the particulars which descriptive lists to be prepared by Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate ;
- (f) to prescribe the custody in which those registers or records are to be kept ; and
- (g) generally to carry out the purposes of this Law.

34. (1) The Governor General in Council shall, before making rules under this Law, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

Procedure of making and publication of rules.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*****The Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*concl'd.***

(2) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(3) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(4) Every rule made under this Law shall be published in the *Gazette of India*, and the publication in the *Gazette of India* of a rule purporting to be made under this Law shall be conclusive evidence that it has been duly made.

[See *Gazette of India*, 1889, Pt. I, p. 70.]

Rules for the service of processes between the City and Suburban Courts and the Court of the Superintendent of the Bazars.

No. 6, dated the 11th April, 1889.—With the concurrence of His Highness the Nizam's Government, the following procedure will be followed for the future in the service of processes between the City and Suburban Courts on the one hand and the Courts at Sikandarabad and of the Superintendent of the Residency Bazars on the other:—

- (1) All civil and criminal processes issued by the Courts at Sikandarabad and the Residency Bazars and intended for service in the suburbs of the City will be sent to the Judge of the Suburban Court direct by post.
- (2) All civil processes issued by the above Courts and intended for service in the City will be sent to the Judge of the Small Cause Court of the City direct by post.
- (3) All criminal processes intended for service in the City will be sent by post direct to the Nazim of the Criminal Court in the City.
- (4) In like manner all civil and criminal processes issued by the City and Suburban Courts and intended for service in Sikandarabad or in the Residency Bazars will be sent by post direct to the Cantonment Magistrate, Sikandarabad, or to the Superintendent of the Residency Bazars, as the case may require.

[See *Hyderabad Residency Orders*, 1889, Pt. I, p. 76.]

Rules regulating the payment of expenses of complainants and witnesses in criminal cases.

No. 178, dated the 22nd July, 1889.—The subjoined Book Circular publishing the rules for regulating the payment of the expenses of complainants and witnesses in criminal cases is republished for information.

BOOK CIRCULAR NO. 6 OF 1889, DATED THE 11 JULY, 1889.

The following rules for regulating the payment of the expenses of complainants and witnesses in criminal cases, sanctioned by the Governor General in Council in

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.—(b) Special Local Laws—*contd.***Rules regulating the payment of expenses of complainants and witnesses in Criminal cases—*contd.***

1873 are hereby published for the information and guidance of the Criminal Courts under this Administration :—

Under the provisions of section 544 of the Code of Criminal Procedure, the Governor General in Council has been pleased to pass and sanction the following rules for regulating the payment on the part of Government of the expenses of complainants and witnesses in cases coming before the Criminal Courts in the Hyderabad Assigned Districts.

2. The Criminal Courts are authorised to pay, at the rates specified below, the expenses of complainants or witnesses (1) in cases in which the prosecution is instituted or carried on by or under the orders or with the sanction of the Government, or any Judge, Magistrate, or any other public officer, or in which it shall appear to the presiding officer to be directly in furtherance of the interests of the public service; (2) in all cases entered in column 5 of the schedule appended to the Criminal Procedure Code as not bailable; (3) in all cases which are cognizable by the Police; and (4) of witnesses in all cases in which they are compelled by the Magistrate of his own motion to attend under the provisions of section 540 of the Code.

3. European and East Indian witnesses, when summoned by a Criminal Court to give evidence, are to be allowed their actual expenses for carriage when the same are not in excess of six annas a mile. They are also to be allowed a sum not exceeding Rupees 2-8-0 a day for subsistence if they demand the same.

4. As a general rule, native witnesses of the better class as Patels, Pander-peshas, merchants, vakils, and persons of corresponding rank, as well as all witnesses who are in no way concerned in the case in which their evidence is given, but whose evidence is required for furthering the ends of justice (such as attesting witnesses to depositions and inquest reports, provided they can read and write), are to be allowed six annas a day as subsistence money, and they are also to receive railway and other travelling expenses that have been actually incurred by them, provided the same be reasonable.

5. Native witnesses of the class of cultivators and menials who would not under ordinary circumstances voluntarily incur any expense on account of special lodging when away from home are to be allowed subsistence money at the rate of four annas a day, and are also to receive railway and other travelling expenses actually incurred by them, provided the same be reasonable.

6. Peculiar cases (that is cases not coming under the operation of Rules 4 and 5) are to be dealt with according to their own merits and at the discretion of the Court from which subsistence money or travelling allowance is demanded.

7. When a witness lives in the same town or village in which the Court before which he is required to give evidence is situated, the Court may award him such sum not exceeding four annas a day as may compensate him for any loss he may have incurred by attendance upon the Court.

8. The foregoing instructions cancel that portion of the Resident's Book Circular No. 1 of 1882 addressed to the Sessions Judge, Hyderabad; Superintendent, Residency Bazars; Cantonment Magistrate, Sikandarabad; and the Superintendent of His Highness the Nizam's State Railway, which relates to subsistence money and travelling allowances for witnesses summoned in criminal cases.

[See *Hyderabad Residency Orders*, 1889, Pt. I, p. 142.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1-(b) Special Local Laws—*contd.***

Fee payable on processes sent to the Small Cause Courts at Bombay, Calcutta, or Madras for service.

No. 26, dated the 20th February, 1886.—The following amended rule for regulating the levy of fees on processes issued by the Courts in the Cantonment of Sikandarabad, and sent for service to the Presidency Small Cause Courts at Bombay, Calcutta, or Madras, which has received the approval and sanction of the Governor General in Council, is published for general information and guidance :—

“In the case of a process sent for service to the Presidency Small Cause Courts at Bombay, Calcutta, or Madras, the fee shall be levied in accordance with the schedule of fees payable for the issue of such process in the Courts at Sikandarabad, and the Court shall certify on the face of the process that the fee has been levied.”

[See *Hyderabad Residency Orders*, 1886, Pt. I, p. 26.]

Courts established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summonses between such Courts, British Indian Courts and certain other Courts in Native States.

Nos. 1361-I. to 1364-I., and Nos. 1366-I. to 1368-I., dated the 29th March, 1889, and Nos. 2179-I., 2182-I. and 2183-I., dated the 2nd July, 1890, printed infra pp. 694 to 701.

Rules for the regulation of the manufacture, preparation and sale of articles of food and drink within the Cantonment of Sikandarabad.

No. 1221-I., dated the 13th April, 1894.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879) and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules for the regulation of the manufacture, preparation, and sale of articles of food and drink within the Cantonment of Sikandarabad :

1. The Cantonment Committee at Sikandarabad may by bye-law—

- (a) prohibit the manufacture or preparation for sale of any specified articles of food or drink in any premises not licensed by the Cantonment Committee ;
- (b) regulate the grant and withdrawal of licenses to premises for the manufacture or preparation for sale of such specified articles of food or drink ;
- (c) regulate the hours and manner of transport within the Cantonment of any specified articles of food or drink ;
- (d) fix the places in which any specified article of food or drink may be sold or exposed for sale, or the places in which it may not be sold or exposed for sale :

Provided that no person shall be punishable for breach of any such bye-law made under clause (a) or clause (d) of this rule by reason of the continuance of such manufacture, preparation, or exposure for sale, or sale upon any premises which are at the time of the making of such bye-law used for such purpose, until he has received from the Cantonment Committee six months' notice in writing to discontinue such manufacture, preparation, or exposure for sale or such sale in such premises.

2. In making any bye-law under the last foregoing rule, the Cantonment Committee may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*Rules for the regulation of the manufacture, etc., of articles of food and drink—*contd.*

3. (1) No bye-law made under the powers hereby conferred shall come into force in the Cantonment of Sikandarabad until it has been confirmed by the Resident at Hyderabad, and published for such time and in such manner as the Resident may prescribe in this behalf.

(2) The Resident may cancel his confirmation of any such bye-law, and there upon the bye-law shall cease to have effect.

4. Nothing in these rules shall be deemed to confer power on the Cantonment Committee with regard to alcoholic drinks.

[See *Gazette of India*, 1894, Pt. I, p. 202.]

Investiture of Cantonment Magistrate with the powers of a District Judge under the Administrator-General's Act, 1874

No. 9, dated the 14th February, 1895.—In exercise of the power conferred by the Notification of the Government of India in the Foreign Department,¹ No. 3542-I., dated the 27th August, 1891, the Resident at Hyderabad is pleased to declare that the powers and duties which are conferred and imposed on a District Judge by section 64 of the Administrator-General's Act (II of 1874), as amended by section 13 of Act II of 1890, shall in the Cantonment of Sikandarabad be exercised by the Cantonment Magistrate, Sikandarabad.

[See *Hyderabad Residency Orders*, 1895, Pt. I, p. 27.]

Rules for the regulation of nuisances, 1896.

No. 770-I., dated the 27th February, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules for the regulation of nuisances in the Cantonment of Sikandarabad:—

1. (i) The Cantonment Committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cesspool, or other receptacle for offensive matter, pertaining to any building or land with the consent of the occupier of the building or land, or without such consent if the occupier fails to make arrangements to the satisfaction of the Cantonment Committee for the performance of such duties.

(ii) When the Cantonment Committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of these duties, and the Cantonment Committee by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

2. (i) The Cantonment Magistrate may by notice in writing require the owner of any building to provide, in such manner as the Cantonment Committee directs any privy or cesspool, or additional privies or cesspools which should, in the opinion of the Cantonment Committee, be provided for such building.

(ii) The Cantonment Magistrate may by notice in writing require any person employing more than twenty workmen or labourers to provide such latrines and

¹ Printed *supra*, see Pt. I, p. 19.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*Rules for the regulation of nuisances, 1896—*contd.*

urinals as the Cantonment Committee may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(iii) The Cantonment Magistrate may by notice in writing require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Cantonment Committee directs, any door or trap-door of a privy opening on to any street or drain.

3. (i) The Cantonment Magistrate may by notice in writing require the owner or occupier of any building or land to repair or alter, or put in good order, any privy, drain or cesspool, or to close any cesspool belonging thereto.

(ii) The Cantonment Magistrate may by notice in writing require any person who constructs any new privy, drain or cesspool without his permission in writing or contrary to his directions or regulations, or who constructs, rebuilds or opens any privy, drain or cesspool which has been ordered to be removed or stopped up or not to be made, to remove the privy, drain or cesspool, or to make such alteration therein as he may think fit.

4. The Cantonment Magistrate may by notice in writing require any person who, without his permission in writing, newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe vested in the Cantonment authority to pull down or otherwise deal with the building as he thinks fit.

5. The Cantonment Magistrate may by notice in writing require any owner or occupier on whose land any drain, latrine, urinal, cesspool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use to remove or close the same within one week.

6. The Cantonment Magistrate may by notice in writing require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool, low marshy ground or excavation therein which appears to the Cantonment Committee to be injurious to health or offensive to the neighbourhood:

Provided that if, for the purpose of effecting under this section any drainage, it is necessary to acquire any land not belonging to such owner or occupier or to pay compensation to any other person, the Cantonment Authority shall provide the land or pay the compensation.

7. (i) When any notice under these rules requires any act to be done for which no time is fixed by these rules, the notice shall fix a reasonable time for doing the same.

(ii) When the owner or occupier of any building or land fails to comply with the terms of any notice under these rules requiring him to do any act in, or in respect to, that building or land, the Cantonment Magistrate may, after six hours' notice, cause the act to be done by the officers subordinate to him.

8. (i) Where, under these rules, the owner or occupier of property is required by the Committee to execute any work, and default has been made in complying with the requirement, and the Committee has executed the work, the Committee may recover the cost of the work from the person in default.

(ii) As between themselves and the Committee, both owner and occupier shall be deemed to be in default for the purpose of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*

Rules for the regulation of nuisances, 1896—*concl'd.*

duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(iii) When the person primarily in default is the owner, and the Committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or otherwise recover it from such owner.

(iv) Provided that no occupier shall be required to pay under sub-section (iii) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused, on application to him by the Committee, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall be on the occupier.

(v) All money recoverable by a Committee under this section may be recovered either by suit or on application to the Magistrate having jurisdiction within the Cantonment by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(vi) Nothing in this section shall affect any contract between an owner and an occupier.

9. (i) Any person aggrieved by any order made by the Cantonment Magistrate under the above rules may appeal within three days from the date thereof to the Cantonment Committee, and no such order shall be liable to be called in question otherwise than by such appeal.

(ii) The Cantonment Committee may, for sufficient cause, extend the period hereby allowed for appeal.

(iii) The order of the Cantonment Committee confirming, setting aside, or modifying the order appealed against shall be final. Provided that the order appealed against shall not be confirmed, set aside, or modified until the appellant and the Cantonment Magistrate have had reasonable opportunity of being heard.

II. Sections 13 and 24 of Chapter IV of the rules and regulations framed under clauses 4 to 11 of section 19 of Act XXII of 1864, as applied to the Cantonment of Sikandarabad under the orders of the Government of India, are hereby cancelled.

[See *Gazette of India*, 1896, Pt. I, p. 144.]

Rules for the control of the manufacture, etc., of arms, etc., 1898.

No. 2134-I.B., dated the 5th August, 1898. - In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of the Notification of the Government of India in the Foreign Department, No. 3973-I., dated the 18th December, 1895, to make the following rules for the control of the manufacture, conversion, possession and sale of arms, ammunition and military stores in each of the Hyderabad Contingent Stations of Aurangabad, Bolarum, Hingoli, Jalna, Mominabad, and

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*****Rules for the control of the manufacture, etc., of arms, etc., 1898—*contd.***

Raichur (hereinafter referred to as Cantonments), in the Cantonment of Sikandarabad and in the Hyderabad Residency Bazars :—

Rules for the control of the manufacture, conversion, possession and sale of arms ammunition and military stores in each of the Hyderabad Contingent Stations of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad and Raichur (hereinafter referred to as Cantonments), in the Cantonment of Secunderabad and in the Hyderabad Residency Bazars.

1. In these rules—

- (a) “cannon,” “arms,” “ammunition” and “military stores” have respectively the meanings assigned to them in the Indian Arms Act, 1878 (XI of 1878), except that the expression “military stores” includes sulphur when in quantities exceeding ten sers in weight, and leaden bird-shot and bullets when possessed in quantities exceeding one hundred-weight at any one time:

Definitions.

- (b) “Cantonment Magistrate” includes, in the case of each of the Cantonments of Aurungabad, Jalna, and Mominabad, the Judicial Superintendent, and, in the case of a Cantonment for which no resident Magistrate has been appointed, a Superintendent of Police vested with magisterial powers:

- (c) “maund” means a weight of 40 sers: and

- (d) “ser” means a weight of eighty tolas.

2. No person shall, except under and in accordance with the terms of a license granted under these rules, manufacture, convert or sell, or keep, offer or expose for sale, any arms, ammunition or military stores without license prohibited.

Provided that nothing in this rule shall be construed to prevent any person from selling any arms, ammunition or military stores which he lawfully possesses for his own private use to any person who is not prohibited from possessing the same.

3. Licenses to manufacture, convert and sell, or to keep and sell, or offer or expose for sale, arms, ammunition or military stores, may be granted by the Cantonment Magistrate or the Superintendent of the Hyderabad Residency Bazars, as the case may be, in the appropriate Form I or II appended to these rules. The fee payable in stamps shall be twenty rupees in respect of each license to manufacture, convert and sell, and ten rupees in respect of each license to keep and sell, or offer or expose for sale, except in the case of sulphur, when no fees shall be payable.

Arms licenses.

4. No holder of a license under the foregoing rules shall sell, or keep, offer or expose for sale any arms, ammunition or military stores, except arms, ammunition or military stores which he has obtained from British India under an export-license granted by the Government of India under rule 7 of the rules made under section 17 of the Indian Arms Act, 1878 (XI of 1878), and published with the Notification of the Government of India in the Home Department, No. 518, dated the 6th March, 1879, or which he has brought in from any place not in British India under a license granted by the Cantonment Magistrate or the Superintendent of the Hyderabad Residency Bazars, as the case may be, in Form III appended to these rules.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1. (b)-Special Local Laws—*contd.*Rules for the control of the manufacture, etc., of arms, etc., 1898—*contd.*

5. Every holder of a license under these rules shall keep a register of stock in
 Register of stock. Form IV appended to these rules, and shall show
 in it correctly all receipts and all sales of arms,
 ammunition or military stores in his possession. He shall exhibit this register, when
 called upon to do so, to any Magistrate or to any police officer not below the rank of
 an Inspector.
6. Any Magistrate or police officer not below the rank of an Inspector may, at
 Inspection of premises all reasonable times, enter and inspect the premises
 of any holder of a license under these rules, and
 every person, whose premises are so entered and inspected, shall be bound to exhibit
 the entire stock of arms, ammunitions or military stores in his possession or under his
 control.
7. Every holder of a license under these rules shall affix a board on a conspicu-
 Board to be affixed to shop of ous part of his shop or usual place of business, and
 license-holder. shall cause to be painted thereon in large letters,
 in English and Urdu, his name and a statement to the effect that he holds such a
 license.
8. The Cantonment Magistrate or the Superintendent of the Hyderabad Resi-
 Cancellation or suspension of dency Bazars, as the case may be, may for reasons
 license. to be recorded in writing, cancel or suspend any
 license granted under these rules to any vendor or manufacturer.
- Penalty for breach of rule 2, 4, 5, 6 or 7. Whoever —
- (a) manufactures, converts or sells, or keeps, offers or exposes for sale, any
 arms, ammunition or military stores in contravention of rule 2 ; or
 - (b) sells, or keeps, offers or exposes for sale, any arms, ammunition or
 military stores in contravention of rule 4 ; or
 - (c) intentionally makes a false entry in the register of stock prescribed by
 rule 5 ; or
 - (d) intentionally fails to exhibit anything which by rule 6 he is required to
 exhibit, or to keep such board affixed as is required by rule 7 ;
- shall be punishable with imprisonment for a term which may extend to three years,
 or with fine which may extend to five hundred rupees, or with both.
10. Whoever commits a breach of any of these rules, for which no other
 Penalty for other breach. penalty is hereinbefore expressly provided, shall be
 punishable with imprisonment for a term which
 may extend to one month, or with fine which may extend to two hundred rupees, or
 with both.
11. Whenever the Cantonment Magistrate or the Superintendent of the Hyder-
 Search of suspected premises. abad Residency Bazars, as the case may be, has
 reason to believe that any person has, in contraven-
 tion of these rules, arms, ammunition or military stores in his possession, he may,
 after recording in writing the grounds of his belief, cause a search to be made of
 the house or premises in which he believes such arms, ammunition or military stores
 to be, and, if found, seize and confiscate the same.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*Rules for the control of the manufacture, etc., of arms, etc., 1898—*contd.*

12. Where any person is convicted of an offence under these rules committed in respect of any arms, ammunition or military stores
Confiscation. it shall be in the discretion of the convicting Court further to direct that the whole or any portion of such arms, ammunition or military stores shall be confiscated.

13. The orders of the Resident at Hyderabad shall be taken regarding the disposal of all articles confiscated under these rules, and such orders shall be final.
Disposal of confiscated property.

14. (1) The Cantonment Magistrate or the Superintendent of the Hyderabad Residency Bazaars, as the case may be, may grant, by way of reward to any one who has given information leading to the conviction of the offender, not more than one-half of the amount of fine inflicted on the offender under these rules, or of the sale price of the article confiscated and sold under these rules, as the case may be.
Rewards.

(2) Cases in which it appears to the convicting Court desirable to grant a reward, but in which no fine has been imposed, or in which the convicting Court is of opinion that the reward ought to be larger than that hereinbefore provided for, shall be reported for the orders of the Resident.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.—(b) Special Local Laws—*contd.*Rules for the control of the manufacture, etc., of arms, etc., 1898—*contd.*

FORM I.

(See rule 3) Fee—Rupees twenty in stamps.

*License to manufacture, convert and sell arms, ammunition or military stores in the
Cantonment of—
Hyderabad Residency Bazars.*

Name, etc., of holder of license and place of residence.	Place of business.	DESCRIPTION OF ARMS		DESCRIPTION OF AMMUNITION OR MILITARY STORES.		Date on which license expires.
		to be manufac- tured.	to be kept and sold.	to be manu- factured.	to be kept and sold.	
						The 31st December 189 .

189 .

Signature of the Cantonment, Magistrate.
Superintendent, Residency Bazars.

This license is given subject to the rules for the control of the manufacture, conversion, possession and sale of arms, ammunition and military stores in the Cantonments of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad, Raichur and Sikandarabad, and in the Hyderabad Residency Bazars.

The holder of this license shall keep records and accounts of all arms made or converted, and of all ammunition and military stores manufactured, and a register in the form prescribed by rule 5 of the said rules, of all arms, ammunition and military stores in stock and of all sales.

The holder of this license shall exhibit his stock and his books of manufacture and sales to any Magistrate or to any police officer not below the rank of Inspector whenever such Magistrate or police officer calls upon him to do so.

The holder of this license shall affix to his shop or place of business a signboard as required by rule 7 of the said rules.

The holder of this licence shall not sell arms to a soldier of the Native Army unless such soldier produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*

Rules for the control of the manufacture, etc., of arms, etc., 1898—contd.

FORM II.

(See rule 3.) Fee—Rupees ten in stamps.

License to keep and sell, or offer or expose for sale, arms ammunition or military stores in the _____ Cantonment of _____

Hyderabad Residency Bazaars.

Name, etc., of holder of license and place of residence.	Place of business.	DESCRIPTION OF		Date on which license expires.
		Arms.	Ammunition or military stores.	
				The 31st December 189 .

189 .

Signature of the Cantonment Magistrate.
Superintendent, Residency Bazaars.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—1-(b) Special Local Laws—*contd.*

Rules for the control of the manufacture, etc., of arms, etc., 1898—*contd.*

FORM II—*contd.*

- This license is given subject to the rules for the control of the manufacture, conversion, possession and sale of arms, ammunition and military stores in the Cantonments of Aurungabad, Bolarum, Hingoli, Jalna, Mominabad, Raichur and Secunderabad, and in the Hyderabad Residency Bazzars.
- The holder of this license shall keep a register, in the form prescribed by rule 5 of the said rules, of all arms, ammunition and military stores in stock and of all sales.
- The holder of this license shall exhibit his stock and his register of stock to any Magistrate or to any police officer not below the rank of Inspector whenever such Magistrate or police officer calls upon him to do so.
- The holder of this license shall affix to his shop or place of business a signboard as required by rule 7 of the said rules.
- The holder of this license shall not sell arms to a soldier of the Native Army unless such soldier produces a written pass or permit signed by his Commanding Officer, and then only to the extent and on the conditions specified in such pass or permit.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—1.-(b) Special Local Laws—*contd.*Rules for the control of the manufacture, etc., of arms, etc, 1898—*contd.*

FORM III.

(See rule 4.)

Fee—Rupees five in stamps.

License to bring from any place not in British India arms, ammunition or military stores for sale into
Cantonment of
the Hyderabad Residency Bazars.

Name, etc., of im- porter or agent, if any.	Number of packages.	ARMS.		AMMUNITION OR MILI- TARY STORES.		Place of despatch.	Name and residence of consignor.	Period for which license is valid.
		Description.	Number.	Description.	Weight or number.			
1	2	3	4	5	6	7	8	9
								From the _____ to the _____

*Cantonment Magistrate.**Signature of the
Superintendent, Residency Bazars.*

CHAPTER IV.—THE CANTONMENT

B.—British-Sikandarabad—

Rules for the control of the manufacture,

FORM

(See

Register

RECEIPTS.	
Month and date.	
No. and date of license.	
Station from which imported.	
Breech-loading.	Double-barrelled
Muzzle-loading.	Single-barrelled.
Breech-loading.	Double-barrelled.
Muzzle-loading.	Smooth-bored.
Breech-loading.	Double-barrelled.
Muzzle-loading.	Smooth-bored.
Breech-loading.	Double-barrelled.
Muzzle-loading.	Smooth-bored.
Revolvers.	
Patrol.	
Swords.	
Gunpowder.	
Blasting powder.	
Fuses.	
Loaded cartridges.	
Empty cartridges.	
Shot.	
Lead bullets.	
Percussion caps.	
Sulphur.	
Implements.	

[See *Gazette of India*, 1898, Pt. I, p. 873.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*

2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH INDIAN ENACTMENTS LOCALLY APPLIED.

Act	Section.	Subject of Notification.	Reference.
Madras Small Cause Courts Act, 1865 (XI of 1865). ¹	48 & 51	Extending the pecuniary jurisdiction of the Judge of the Small Cause Court, and investing the Judge with the powers of a Principal Sadr Amin.	No 339, dated the 18th December, 1888. [Printed <i>infra</i> , p. 481.]
Divorce Act, 1869 (IV of 1869).	3 (2)	Appointing the Civil and Sessions Judge, Hyderabad Assigned Districts, to be the District Judge under the Act.	No. 3061-I, dated the 1st September, 1893. [Printed <i>infra</i> , p. 481.]
Court-fees Act, 1870 (VII of 1870).	20 (a) (ii)	Rules for the service and execution of processes issued by the Judicial Commissioner's Court and by all other Civil Courts subordinate to it in the Cantonment.	No. 80, dated the 22nd November, 1899. [Printed <i>infra</i> , p. 481.]
Ditto . . .	26	Applying the provisions of Finance Department Notification ² No. 1494-S. R., dated the 29th March, 1895, with certain modifications.	No. 1883-I, dated the 11th June, 1895. [Printed <i>infra</i> , p. 486.]
Ditto . . .	26 & 35	Applying the provisions, so far as they may be suitable, of Financial Department Notification ³ No. 361, dated the 18th April, 1883.	No. 1247-I, dated the 19th March, 1891. [Printed <i>infra</i> , p. 487.]
Ditto . . .	35	Directing that no Court-fee shall be charged on applications for the repayment of a fine or portion of a fine, the refund of which has been ordered by competent authority.	No. 2991-I, dated the 25th September, 1896. [Printed <i>supra</i> , p. 360.]
Ditto . . .	„	Applying Finance Department Notification ⁴ No. 4650, dated the 10th September, 1889.	No. 1244-I, dated the 19th March, 1891. [Printed <i>infra</i> , p. 487.]
Ditto . . .	„	Applying Finance Department Notification ⁵ No. 4344-S R., dated the 6th October, 1893, in supersession of clause 6, heading A of Finance Department Notification No. 4650, dated the 10th September, 1889.	No. 1301-I, dated the 18th April, 1894. [Printed <i>infra</i> , p. 488.]

¹ See now the Hyderabad Assigned Districts Small Cause Courts Law, 1889, which is the law now in force in Sikandarabad in virtue of Notification No 1811-I B, dated the 1st July, 1889, printed *supra*, p. 39.

² See *Gazette of India*, 1895, Pt. I, p. 265.

³ See *Gazette of India*, 1883, Pt. I, p. 189.

⁴ See *Gazette of India*, 1889, Pt. I, p. 506.

⁵ See *Gazette of India*, 1893, Pt. I, p. 575.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act	Section.	Subject of Notification.	Reference.
Count-fees Act 1870 (VII of 1870).	...	Amending certain notifications issued under this and the Stamp Act in respect to the date on which they are to come into force.	No. 3343-I., dated the 13th August, 1891. [Printed <i>infra</i> , p. 549.]
Prisoners Act, 1871, (V of 1871).	31 (2)	Directing that the Nagpur Jail shall be a prison for the territories subject to the Resident.	No. 3723-I., dated 20th September, 1889. [Printed <i>supra</i> , p. 361.]
Ditto . . .	33	Appointing the Central Jail at Akola as a place to which prisoners sentenced to transportation in the Cantonment shall be sent, with effect from 1st January, 1883.	No. 3364-I., dated the 17th September, 1887. [Printed <i>infra</i> , p. 488.]
Indian Christian Marriage Act, 1872 (XV of 1872).	7	Appoints the Cantonment Magistrate to be the Senior Registrar within the limits of the Cantonment.	No. 15, dated the 17th July, 1893. [Hyderabad Residency Orders, 1893, Pt. I, p. 131.]
Ditto . . .	62	Prescribing the forms in which the register books and extracts therefrom to be deposited with the Registrar-General are to be kept and the intervals at which authenticated extracts shall be so deposited.	No. 3, dated the 26th January, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 20.]
Indian Registration Act, 1877 (III of 1877).	9	Declaring the Cantonment to be a sub-district and appointing Inspector-General, Registrar, and Sub-Registrar.	No. 215-J., dated the 24th October, 1873, and No. 189-J., dated the 12th November, 1878. [Printed <i>infra</i> , p. 488.]
Ditto . . .	69	Rules framed under the Act by the Inspector-General of Registration.	No. 190, dated the 15th October, 1883; No. 6, dated the 28th January, 1884; No. 55, dated the 19th March, 1884; No. 160, dated the 1st August 1884; No. 244, dated the 3rd December, 1884; No. 237, dated the 18th December, 1884; No. 7, dated the 9th January 1885. [Hyderabad Residency Orders, 1883, p. 127; <i>ibid.</i> , 1884, p. 14; <i>ibid.</i> , 1884, p. 45; <i>ibid.</i> , 1884, p. 105; <i>ibid.</i> , 1884, p. 163; <i>ibid.</i> , 1885, p. 4; <i>ibid.</i> , 1885, p. 16.]
Ditto . . .	78	Applying to the Cantonment the revised table of Registration Fees for the Hyderabad Assigned Districts.	No. 9, dated the 8th July, 1886. [Printed <i>infra</i> , p. 469.]
Glanders and Farcy Act, 1879 (XX of 1879).	14	Rules under the Act . . .	No. 25, dated the 4th September, 1883. [Hyderabad Residency Orders, 1883, Pt. I, p. 110.]

¹ Repealed in British India by the Glanders and Farcy Act, 1890 (XIII of 1890).

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Notification.	Reference.
Vaccination Act, 1880 (XIII of 1880).	20	Rules for the regulation of vaccine operations.	No. 7, dated the 2nd April, 1892. [Hyderabad Residency Orders, 1892, Pt. I, p. 41.]
Probate and Administration Act, 1881 (V of 1881).	2	Authorizing the Judicial Commissioner and all Deputy Commissioners, Hyderabad Assigned Districts, and the Assistant Cantonment Magistrate, Sikandarabad, to receive applications for probate and letters of administration.	No. 51, dated the 25th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 251.]
Civil Procedure Code, (Act XIV of 1882)	...	Appointing the Cantonment Magistrate, Sikandarabad, to exercise the powers mentioned in section 539 of the Code.	No. 17, dated the 13th October, 1886. [Printed <i>infra</i> , p. 489.]
Ditto . . .	160	Scale of expenses for witnesses summoned to attend Civil Courts.	No. 235, dated the 1st December, 1887. [Hyderabad Residency Orders, 1887, Pt. I, p. 157.]
Ditto . . .	360	Declaring the Small Cause Court in its extended jurisdiction to be the District Court for the purposes of Chapter XX of the Code (Insolvent Debtors).	No. 12, dated the 29th July, 1881. [Printed <i>infra</i> , p. 489.]
Explosives Act, 1884 (IV of 1884).	5 and 7	Rules to regulate the transport and import of explosives.	No. 154, dated the 19th May, 1897 as amended by No. 45, dated 1st July, 1899. [Hyderabad Residency Orders, 1897 and 1899, Supplement, p. 91, and Pt. I, p. 236 respectively.]
Ditto . . .	"	New rule substituted for Rule 6-XIX of the above rules and proviso added to rule 2-III (e).	No. 2 dated the 21st May, 1899, and No. 72, dated the 26th October, 1899. [Hyderabad Residency Orders, 1899, Pt. I, pp. 111 and 325 respectively.]
Ditto . . .	"	Rules for the manufacture, possession or sale of explosives.	No. 155, dated the 19th May, 1897. [Hyderabad Residency Orders, 1897, Supplement, p. 102.]
Ditto . . .	"	New rule substituted for rule 15 of the above rules.	No. 56, dated the 25th November, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 111.]
Ditto . . .	"	New rule substituted for rule 37 of the above rules.	No. 331, dated the 13th October, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 357.]
Ditto . . .	7	Conferring certain powers on the Chief Inspector of Explosives with the Government of India.	No. 232, dated the 31st May, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 187.]
Indian Telegraph Act, 1885 (XIII of 1885).	...	Applying the Rules made under the Act and in force in British India from time to time.	No. 1009-I., dated the 4th March, 1891. [Printed <i>infra</i> , p. 489.]
Petroleum Act, 1886 (XII of 1886).	26	Rules regulating the transport, etc., of petroleum.	No. 22, dated the 24th February, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 74.]

¹ This amending Notification also affects the Hyderabad Assigned Districts, but is only entered here as it was issued while this Volume was passing through the Press.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Notification	Reference.
Petroleum Act, 1886 (XII of 1886)— <i>contd.</i>	26	Officer by whom carts may be certified as fit to transport petroleum in bulk.	No. 34, dated the 2nd May, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 162.]
Merchandise Marks Act, 1889 (IV of 1889).	16	Directing that Criminal Courts shall observe certain instructions in giving effect to the Act in respect of trade descriptions of quantity, measure or weight of goods specified in the instructions.	No. 36, dated the 28th January, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 21.] No. 1, dated the 5th January, 1892. [Ib., 1892, Pt. I, p. 13]
Cantonment Act, 1889 (XIII of 1889).	17	Imposing a tax upon latrines premises or compounds situate within the Cantonment and cleaned by Cantonment servants.	No. 16, dated the 15th April, 1896. [Hyderabad Residency Orders, 1896, Pt. I, p. 96]
Ditto . . .	„	Declares that the tax imposed by the above notification shall come into force on the 1st July, 1896.	No. 17, dated the 15th April, 1896. [Hyderabad Residency Orders, 1896, Pt. I, p. 96.]
Ditto . . .	„	Imposing a tax on all carriages, coaches, vans, carts, hackeries, horses, ponies, etc., taxable under the Sikandarabad Hackney Carriage Law.	No. 6, dated the 8th February, 1895. [Hyderabad Residency Orders, 1895, Pt. I, p. 26.]
Ditto . . .	17 (1)	Imposing a tax on houses, building and lands.	No. 40, dated the 13th November, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 310.]
Ditto . . .	17 (2)	Rules for the assessment and recovery of the above tax.	No. 41, dated the 12th December, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 331.]
Ditto . . .	„	Rules for the assessment and recovery of the latrine tax.	No. 18, dated the 15th April, 1896. [Hyderabad Residency Orders, 1896, Pt. I, p. 97.]
Ditto . . .	„	Substituting a new Form B for Form B of the second schedule attached to the rules for the assessment and recovery of house-tax published in Notification No. 41, dated the 12th December, 1894.	No. 26, dated the 20th May, 1895. [Hyderabad Residency Orders, 1895, Pt. I, p. 161.]
Ditto . . .	„	Amending the last clause of rule 7 of the rules for the assessment and recovery of house-tax published in the same Notification.	No. 43, dated the 27th December, 1895. [Hyderabad Residency Orders, 1896, Pt. I, p. 2.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act,	Section.	Subject of Notification	Reference.
Cantonments Act, 1889 (XIII of 1889)— <i>contd.</i>	20	Exempting from house-tax leviable under Notification No. 40 dated the 13th November, 1894, buildings in the Cantonment under certain circumstances	<i>No. 4371-I.B., dated the 1st December, 1897.</i> [Printed <i>infra</i> , p. 511.]
Ditto . . .	25	Applying certain provisions of Act XX of 1891 in a modified form as rules to the Sikandarabad Cantonment in place of certain rules in Chapters III and IV of the rules made under section 19 of Act XXII of 1864, in regard to the control of buildings, etc.	<i>No. 1911-I., dated the 14th June, 1895.</i> [Printed <i>infra</i> , p. 490.]
Ditto . . .	26	Rules for the administration of the Cantonment Fund.	<i>No. 2058-I.B., dated the 29th July, 1898.</i> [Printed <i>infra</i> , p. 512.]
Ditto . . .	„	¹ Rules and Regulations passed under the section (clauses 4 to 11 of section 27 of Act III of 1880).	<i>Hyderabad Residency Orders</i> , dated the 5th August, 1869, p. 310.
Ditto . . .	„	Addition to Rule 49, Chapter III of above.	¹ <i>No. 334, dated the 24th March, 1874.</i> [<i>Hyderabad Residency Orders</i> , 6th April, 1874, p. 182.]
Ditto . . .	„	Conferring powers of a District Magistrate, Court of Session and High Court.	² <i>No. 133-I.J., dated the 24th June, 1881.</i> [Printed <i>infra</i> , p. 545.]
Ditto . . .	„	Conferring power to try breaches of rules and regulations.	² <i>No. 136-I.J., dated the 24th June, 1884.</i> [Printed <i>infra</i> , p. 545.]
Ditto . . .	26 and 27	The Sikandarabad Cantonment Rules.	<i>No. 1910-I., dated the 14th June, 1895, as amended by Notification No. 2303-I.B., dated the 15th June, 1897.</i> [Printed <i>infra</i> , p. 502.]
Ditto . . .	„	Applying to this Cantonment the rules relating to contagious and infectious diseases published in Notification No. 1148, dated the 15th October, 1897, for all cantonments in British India.	<i>No. 1290-I.A., dated the 12th May, 1898.</i> [Printed <i>infra</i> , p. 545.]
Ditto . . .	„	Applying to this Cantonment the rule published under Notification No. 229-J., dated the 3rd March, 1899, amending the Contagious Diseases Rules.	<i>No. 1097-I.A., dated the 28th April, 1899.</i> [Printed <i>infra</i> , p. 545.]

¹ These rules and notifications originally issued under Act XXII of 1864. They are now kept in force by s. 2 (9) of Act XIII of 1899.² These notification issued under Act III of 1880. They are kept in force by section 2 (9) of Act XIII of 1899.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section	Subject of Notification.	Reference.
Indian Railways Act, 1890 (IX of 1890).	144	Delegating certain powers and functions to the Resident at Hyderabad.	No. 1334-I., dated the 23rd March, 1891. [Printed <i>infra</i> , p. 441.]
Code of Criminal Procedure, 1898 (Act V of 1898).	7 & 9	Establishing a Court of Sessions, declaring the Cantonment a Sessions Division, appointing a Sessions Judge, validating past proceedings of First Assistant Resident as such Judge and cancelling certain notifications so far as they relate to the criminal jurisdiction of the Resident.	No. 16, dated the 13th August, 1890. [Printed <i>infra</i> , p. 546.]
Ditto . . .	"	Adding a clause to the above notification barring its application to proceedings against European British subjects or persons jointly charged with them.	No. 19, dated the 15th September, 1890. [Incorporated in the preceding notification.]
Ditto . . .	37	Investing Magistrates of the 1st, 2nd and 3rd class with the additional powers enumerated in Schedule IV.	No. 336, dated the 17th October, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 368.]
Ditto . . .	399	Confinement of juvenile offenders in the Poona Reformatory.	No. 391, dated the 5th February, 1886. [Printed <i>infra</i> , p. 546.]
Indian Stamp Act, 1899 (II of 1899).	9	Declaring the provisions of Financial Department Notification ¹ No. 1519, dated the 22nd March, 1889, to apply to the Cantonment of Sikandarabad.	No. 2038-I., dated the 20th May, 1899. [Printed <i>infra</i> , p. 546.]
Ditto . . .	"	Exempting certain debentures of the Cantonment Committee from any duty with which they may be chargeable on issue, renewal, sub-division or consolidation.	No. 2632-I., dated the 7th August, 1890. [Printed <i>infra</i> , p. 547.]
Ditto . . .	"	Applying Financial Department Notification ² No. 5855, dated the 22nd November, 1889, to the Cantonment with certain modifications.	No. 1245-I., dated the 19th March, 1891. [Printed <i>infra</i> , p. 548.]
Ditto . . .	"	Applying Financial Department Notification ⁴ No. 4345, dated the 19th October, 1892, to the Cantonment subject to certain modifications.	No. 2033-I., dated the 8th May, 1892. [Printed <i>infra</i> , p. 548.]
Ditto . . .	"	Making further modifications in Financial Department Notification No. 5855, dated 22nd November, 1889, as applied to the Cantonment.	No. 1841-I., dated the 30th May, 1894. [Printed <i>infra</i> , p. 549.]

¹ These notifications issued under Act I of 1879. They are kept in force by s. 24 of Act X of 1897.² See *Gazette of India*, 1889, Pt. I, p. 174.³ See *Gazette of India*, 1889, Pt. I, p. 636.⁴ See *Gazette of India*, 1892, Pt. I, p. 602.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED—*concl'd.*

Act.	Section.	Subject of Notification.	Reference
Indian Stamp Act, 1899, (II of 1899).	10	Applying Notification ¹ No. 2036, dated the 30th June, 1882, to the Cantonment.	³ No. 1246-I, dated the 19th March, 1891. [Printed <i>infra</i> , p. 549]
Ditto . . .	"	Amending certain notifications under this and the Court-fees Act as to the date when they are to come into force.	³ No. 5343-I, dated the 13th August, 1891. [Printed <i>infra</i> , p. 549.]
Ditto . . .	10, 16, 18, 49, 50 and 75.	Directing that the provisions of Financial Department Notification ² No. 2170, dated the 22nd May, 1891, shall apply to the Cantonment subject to certain modifications.	³ No. 3656-I, dated the 3rd September, 1891. [Printed <i>infra</i> , p. 550.]

¹ See *Gazette of India*, 1882, Pt I, p. 257² See *Gazette of India*, 1891, Pt I, p. 281.³ These notifications issued under Act I of 1879

As regards them see first footnote on preceding page.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*

2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS.

When made.	Subject of Law	Section.	Subject of Notification.	Reference.
1887	Sikandarabad Hackney Carriage Law, 1887.	3	Rules for the regulation and control of hackney carriages in the Cantonment.	No. 11, dated the 15th June, 1888. [Hyderabad Residency Orders, 1888, Supplement, p. 91.]
"	Ditto . .	"	Declaring that the above rules shall come into force on the 14th September, 1888.	No. 16, dated the 11th September, 1888. [Hyderabad Residency Orders, 1888, Pt. I, p. 145.]
"	Ditto . .	"	Revised schedule of fares for hackney carriages.	No. 17, dated the 18th August, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 161.]
"	Ditto . .	"	Revised rules 4 and 8 of the Hackney Carriage Rules.	No. 21, dated the 25th September, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 171.]
1888	Sikandarabad Births, Deaths and Marriages Registration Law, 1888.	6 (6) and 12.	Establishing a General Registry Office for Births, and Deaths and for Marriages under Act XV of 1872, appointing a Registrar and an Inspector-General of Registrations of Births, Deaths and Marriages.	No. 23, dated the 8th January, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 13.]
"	Ditto . .	25, 27 and 33.	Rules under the sections . .	No. 714-I., dated the 28th February, 1890. [Printed <i>infra</i> , p. 551.]
"	Ditto . .	25 and 27	New rule substituted for rule 19 of the above.	No. 024, dated the 29th November, 1894. [Gazette of India, 1894, Pt. I, p. 640.]
"	Ditto . .	33 (a)	Prescribing fees payable under the section.	No. 1259-I., dated the 18th April, 1895. [Printed <i>infra</i> , p. 557.]
1898	Notification applying the Hyderabad Assigned Districts Courts Law, 1898.	9 (1) of law applied.	Investing the Assistant Cantonment Magistrate of Sikandarabad with all the powers of the Court of a Deputy Commissioner.	No. 47, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 250.]
"	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	4 (1) and (2).	Establishing a Court of Small Causes at Sikandarabad and declaring the local limits of its jurisdiction to be that Cantonment and certain other local areas.	No. 48, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 250.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.**B.—British-Sikandarabad Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS—*contd.*

When made.	Subject of Law	Section.	Subject of Notification	Reference.
1898	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889— <i>contd.</i>	5 (1) and 10 (3).	Appointing the Assistant Cantonment Magistrate to be Judge of the Small Cause Court and directing, subject to section 10 (1), that all civil suits not exceeding Rs.1,000 in value shall be cognizable by him.	No. 33, dated the 4th July, 1898. [<i>Hyderabad Residency Orders</i> , Extraordinary, dated the 7th July, 1898.]
„	Ditto . . .	19	Prescribing a seal for the above Court.	No. 206, dated the 10th May, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 165.]
„	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	16 (2) of Law applied.	Extending with modifications the rules regulating procedure in the Berar for obtaining copies of civil and criminal judicial records and prescribing fees for such copies.	No. 75, dated the 8th November, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 342.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments.—2.—(a) Local Rules and Orders under British-Indian Enactments locally applied.¹**

[Extension of pecuniary jurisdiction of Judge of Small Cause Court.

² No. 339, dated the 18th December, 1868.—*His Excellency the Viceroy and Governor General in Council is pleased, under the provisions of section 48 of Act XI of 1865, to extend the pecuniary jurisdiction of the Judge of the Cantonment Small Cause Court at Sikandarabad to Rs. 1,000, the highest limit assignable under section 7 of the Act.* * * * * *

[See *Gazette of India*, 19th December, 1868, page 1833.]

Appointing a District Judge under the Divorce Act, 1869.

No. 3061-I., dated the 1st September, 1893.—In exercise of the powers conferred by section 3, clause (2), of the Indian Divorce Act (IV of 1869), as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 213-J., dated the 24th October, 1873, and modified by like Notification No. 3060-I., dated the 1st September, 1893, the Governor General in Council is pleased to appoint the officer for the time being holding the office of Civil and Sessions Judge, Hyderabad Assigned Districts, to be the District Judge under the said Act as so applied within the said Cantonment.

[See *Gazette of India*, 1893, Pt. I, p. 510.]

Orders under the Court-fees Act, 1870.

Fees for the execution of civil processes.

No. 80, dated the 22nd November, 1899.—The following rules framed by the Judicial Commissioner, Hyderabad Assigned Districts, in accordance with clauses (i) and (ii) respectively of section 20 of the Court Fees Act, 1870 (Act VII of 1870), as applied to the Hyderabad Assigned Districts, the Hyderabad Residency Bazaars, the Cantonment of Sikandarabad, the Hyderabad Contingent Stations of Aurangabad, Bolarum, Hingoli, Jalna, Mominabad, and Raichur, and the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I B, dated the 26th August, 1897) by the Notification of the Government of India in the Foreign Department, No. 1811-I.B., dated the 1st July, 1898, as amended by the like Notification No. 1892-I.B., dated the 9th July, 1898, having been confirmed by the Resident and sanctioned by the Governor General in Council, are published for general information in supersession of all previous orders on the subject:—

Rules under clause (i), section 20, Act VII of 1870, as to the fees chargeable for serving and executing processes issued by the Court of the Judicial Commissioner and by all other Civil Courts subordinate to that Court.

Rule I.—The fees noted below shall be charged for serving and executing the several processes against which they are respectively ranged:—

TABLE OF FEES.

SECTION A.—*In the Court of the Judicial Commissioner and all Civil Appellate Courts subordinate thereto.*

ARTICLE 1.—Notice of appeal or other notice to respondents in respect of each respondent to be noticed ⁴ .

Process fees.		
Rs	A	P.
0	9	0

Provided that in the aggregate for service in any one town or village no larger amount than Rs. 15 shall be leviable.

¹ See also Chapter II *supra*, p. 33.

² Cf. now Notification No. 33, dated the 4th July, 1898, noted *supra*, p. 480.

³ The Court-fees Act, 1870 (VII of 1870), is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39. These rules apply also to the other areas forming the combined area, and were issued when this volume was passing through the Press.

⁴ *Sic.*

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British Sikandarabad Enactments—2.(a)—Local Rules and Orders¹
under Acts—*contd.*Orders under the Court-fees Act, 1870—*contd.**Fees for the execution of civil processes —contd.*SECTION A.—*contd.*

	Process Fees. Rs. A. P.
ARTICLE 2.—Summonses to witnesses in respect of each witness to be summoned	0 9 0
Provided that in the aggregate for service in any one town or village no larger amount than Rs. 15 shall be leviable.	
ARTICLE 3.—Warrant of arrest in respect of each person to be arrested, provided the process-server is solely engaged in executing the warrant	3 0 0
In other cases	1 8 0
ARTICLE 4.—Notice, proclamation, injunction, or other order not specified in any of the foregoing articles, when the copies to be served or fixed up are not more than two in number, one fee	1 8 0
For every additional copy	0 8 0
Provided that the aggregate amount of the fees levied under this article shall not exceed fifteen rupees.	

SECTION B.—*In all Civil Courts of Original Jurisdiction subordinate to the Court of the Judicial Commissioner, including Courts of Small Causes.*

Nature of processes.	In suits of which the amount or value of the subject-matter in dispute does not exceed Rs. 300.	In suits of which the amount or value of the subject-matter in dispute exceeds Rs. 300.
	Rs. A. P.	Rs. A. P.
1. Summonses to defendants—in respect of each defendant to be summoned, provided that the aggregate amount of the fees levied under this article shall not exceed ten rupees	0 4 0	0 10 0
Provided that in the aggregate for service in any one town or village no larger amount than Rs. 8 shall be leviable.		
2. Summonses to witnesses—in respect of each witness to be summoned	0 4 0	0 10 0
Provided that in the aggregate for service in any one town or village no larger amount than Rs. 8 shall be leviable.		
3. In respect of the services of the officer making an attachment in the manner prescribed in section 269, 270, or 274 of the Code of Civil Procedure, when the property is to be attached in one town or village	0 12 0	1 8 0
When the property is to be attached in more than one town or village, then for every additional town or village	0 6 0	0 12 0
4. Warrants of arrest in respect of each person to be arrested provided the process-server is solely engaged in executing the warrant	1 8 0	3 0 0
In other cases	0 12 0	1 8 0

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Court-fees Act, 1870—*contd.****Rules for the execution of civil processes—contd.***SECTION B—*contd.***

Nature of processes.	In suits of which the amount or value of the subject-matter in dispute does not exceed Rs. 300.	In suits of which the amount or value of the subject-matter in dispute exceeds Rs. 300.
5. Orders for the sale of property—	Rs. A. P.	Rs. A. P.
By way of poundage on the full amount of the purchase money—	The commission payable to the broker and in addition a sum equal to one quarter of such commission.	The commission payable to the broker and in addition a sum equal to one quarter of such commission.
I.—If the sale be effected through a broker under section 296 of the Code of Civil Procedure.		
II.—If the sale be conducted by an officer of the Court or by any other person (not being a Collector or a broker) appointed by the Court	3 2 0 per cent.	3 2 0 per cent.
NOTE.—The poundage fee shall be paid after the sale is effected and before the proceeds are delivered over to the decree-holder.		
6. In respect of the services of the officer making delivery of possession of property under section 259, 263, 264, 318, 319, 332, or 335 of the Code of Civil Procedure, when property is to be delivered in one town or village only	0 12 0	1 8 0
When property is to be delivered in more than one town or village, then for every additional town or village, provided that the aggregate amount of the fees levied under this article shall not exceed ten rupees	0 4 0	0 8 0
7. In respect of the services of the peon, if one be deputed to attend on arbitrators, per diem	0 4 0	0 4 0
NOTE.—This fee shall be payable in advance for as many days as may be allowed by the Court for the delivery of the award under section 508 or as may from time to time be allowed under section 514 of the Code of Civil Procedure.		
If this fee is levied, no further fee will be charged under article 8 in respect of service of the order of reference on the arbitrators.		
8. Notice, proclamation, injunction or other order not specified in any preceding article of this section, when the copies to be served or fixed up are not more than two in number, one fee . . .	0 8 0	1 4 0
When such copies are more than two in number, then for every additional copy	0 4 0	0 8 0
Provided that in the aggregate for service in any one town or village no larger amount than Rs. 8 shall be leviable.		

¹See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Court-fees Act, 1870—*contd.****Rules for the execution of civil processes—contd.*

Rule II.—Notwithstanding Rule I, no fee shall be chargeable for serving or executing—

- (a) Any process which may be issued by any Court of its own motion solely for the purpose of taking cognizance of and punishing any act done or words spoken in contempt of its authority.
- (b) Any process issued a second time in consequence of an adjournment made otherwise than at the instance of a party.
- (c) Any copy of a warrant, order or certificate fixed up under section 264, 274, or 319 of the Code of Civil Procedure, when the fee chargeable under Article 3 or Article 6 of Section B has been paid.
- (d) Any copy of a summons, notice, order, proclamation, or other process fixed up in a Court-house or in the office of a Collector.
- (e) Any notice issued by a District Court under section 322C of the Code of Civil Procedure.
- (f) Any order intimating withdrawal of attachment or postponement of sale.
- (g) Any order intimating to a sale officer that permission has been given to a decree-holder to bid for or purchase property under section 294 of the Code of Civil Procedure.
- (h) Any copy of a notice of an application under Act VIII of 1890 sent to a Collector, or
- (i) Any order directing an officer in charge of a jail to detain or to release a person committed to his custody.

Rule III.—No process which comes within the operation of Rule I shall be drawn up for service or execution until the fee chargeable under that rule has been paid. The fee shall be paid in court-fee stamps, which shall be affixed either on the application by which the Court is moved to issue the process, or, if no such application be filed, on the order by which the Court directs the issue or service of the process. If such an application be filed, it must bear the requisite stamps for the fee in addition to such stamps, if any, as are needed for its own validity.

Rule IV.—When a Court sends a process for service or execution to any Court beyond its jurisdiction, it shall endorse on the process a certificate that the fee chargeable under Rule I has been levied, and the process so endorsed will be served or executed free of further charge by the Court to which it is sent.

Rule V.—Fees for processes to be issued by a Court to which a commission is addressed shall be payable at the rates declared by Rule I to be chargeable for serving and executing processes issued by such Court.

Rule VI.—A process issued by any Court in any presidency or province in British India shall be served or executed free of charge by any Court to which it may be sent within the jurisdiction of the Judicial Commissioner, if it be certified on the process that the proper fee has been levied under the rules in force in such presidency or province.

Rule VII.—If for any reason it becomes unnecessary for an officer to proceed to make an attachment in the manner prescribed in section 269, 270, or 274, or delivery of possession of property under section 259, 263, 264, 318, 319, 332, or 335 of the Code of Civil Procedure, any fee paid in respect of his services shall be refunded.

When, in consequence of a reference to arbitration being withdrawn or of an award being made before the expiry of the time fixed under section 508 or section 514 of the Code of Civil Procedure, the peon has not been deputed to attend on the arbitrators, or has attended on them for a shorter time than that for which payment has been made in respect of his services, the fee paid shall be refunded in whole or in part, as the case may be.

¹See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Court-fees Act, 1870—*contd.****Rules for the execution of civil processes—contd.*

When in consequence of a compromise or for some other reason, it becomes unnecessary to serve or execute a summons, notice, warrant, proclamation, injunction, or order for which a fee has been paid, half the fee shall be refunded if the process has not been issued.

NOTE.—The public should be warned by notice posted in some conspicuous place in every Court that, although no limit of time is prescribed for applications for the refund of fees paid under Rule I, yet as such applications can be granted only on view of the stamps originally filed, which are liable to be destroyed under the rules for the destruction of civil records, there is a probability, in case delay be allowed to occur, that it may become impossible to obtain a refund.

Rule VIII.—In cases which are covered by the note to Article 7 of Section B, Rule I, the additional fee which may become payable shall be paid in court-fee stamps.

Rule IX.—The fee payable by way of poundage on the full amount of the purchase-money shall be paid in court-fee stamps, which shall be affixed on the first application, if any be filed, for payment of such purchase money out of Court, whether it be or be not made by the person who obtained the order of sale, or whether it does or does not extend to the whole of the purchase money. If no such application be filed, then the stamps representing the fee payable shall be affixed on the office report on which the Court has recorded its order for payment. If such an application be filed, it shall bear the requisite stamps for the fee in addition to such stamps, if any, as are needed for its own validity.

Provided that when such fee has once been paid in full in respect of any sale, no further fees shall be payable in respect of the same sale;

Provided also that the party paying such fee shall recover the amount of it out of the purchase-money prior to the distribution thereof among the persons entitled thereto;

Provided also that, when a sale of immoveable property is set aside under section 312 or section 310 of the Code of Civil Procedure, no fee shall be payable by way of poundage on the purchase-money.

Rule X.—If default be made in the payment of purchase-money within the time specified in section 307 of the Code of Civil Procedure, the fee payable by way of poundage shall be deducted from the deposit paid under section 306 of the said Code, and stamps representing such fee shall be bought and affixed by the Court on the order directing the deduction to be made.

Rule XI.—Any fraction of an anna in a fee payable by way of poundage shall be remitted.

Rule XII.—When, in order to the service or execution of any process, the peon or other officer who is to serve or execute it has to cross a bridge or ferry, then the amount, if any, legally payable as toll shall be levied in cash from the person at whose instance the process is issued before delivery of the process to such peon or other officer.

Rule XIII.—The fees paid in pursuance of these rules shall in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them, unless such party be entitled to a refund of any such fees, or of any portion of them, and have failed to apply for it.

Rules under clause (ii), section 20, Act VII of 1870, declaring the fees chargeable for serving and executing processes issued by the Criminal Courts within the jurisdiction of the Judicial Commissioner.

I.—The fees hereinafter mentioned shall be chargeable for serving and exe-

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Court-fees Act, 1870—*contd.****Rules for the execution of processes—concld.*

cuting processes issued by any Magistrate in the case of offences other than offences for which the Police may arrest without a warrant, namely :—

	As.
1. Warrant of Arrest	8
2. Summons—	
(a) in respect of one person or of the first person named in the summons	4
(b) in respect of each other person named in the summons	2
3. Proclamation for absconding person under section 87 of the Code of Criminal Procedure	8
4. Warrants of Attachment—	
(a) in respect of the warrant	8
(b) when it is necessary to place officers in charge of property attached, in respect of each officer so employed per diem, not less than	2
not more than	3
5. In cases where an application is made by a complainant for the recovery of fees ordered to be repaid under section 31 of the Court-fees Act, 1870, or of compensation granted under section 545 of the Code of Criminal Procedure, or where a person applies for the recovery of compensation awarded to him under section 250 of the Code of Criminal Procedure in respect of the warrant for the levy of the fees, fine or compensation	4

Provided that no fee shall be chargeable on any summons to attend as a juror or assessor in a Court of Session.

Provided also that no fee shall be chargeable on any process issued on the complaint or application of any public officer or railway servant acting as such public officer or railway servant.

Explanation.—Any person who falls within the definition of “public officer” contained in section 2 of the Code of Civil Procedure is to be deemed a public officer for the purposes of this proviso.

Provided also that the Magistrate may remit in whole or in part the fees chargeable under this rule in cases other than those falling under Chapters XIX, XX, and XXI of the Indian Penal Code, whenever he is satisfied that the complainant or the accused has not the means of paying them.

II.—Fees chargeable under Rule I shall be collected by adhesive stamps, and be levied within a time to be fixed by the Magistrate before process is issued.

III.—No fees shall be chargeable for serving and executing processes issued in the case of offences for which Police-officers may arrest without a warrant.

IV.—A separate process shall be served on each individual summoned or arrested.

V.—Processes issued by Courts in British India for service by the Courts within the jurisdiction of the Judicial Commissioner shall be served free by the latter Courts.

[See *Hyderabad Residency Orders*, 1899, Pt. I, p. 353.]

Application of Finance Department Notification denoting the kind of stamp to be used in cases in which the fee is less than Rs. 10.

No. 1883-I., dated the 11th June, 1895.—In exercise of the power conferred by section 26 of the Court-fees Act (VII of 1870), as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 213-J.,² dated the 24th October, 1873 (and with reference to the Foreign Department's Notification No. 1247-I., dated the 19th March, 1891), the Governor General in Council is pleased to direct that the provisions (so far as they may be

¹ See also Chapter II *supra*, p. 33.

² Act is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 89.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2 (a)—Local Rules and Orders¹ under Acts—*contd.*****Orders under the Court-fees Act, 1870—*concl'd.****Application of Finance Department Notification, etc.—concl'd.*

applicable) of the Notification No. 1494-S. R.,² dated the 29th March, 1895, issued by the Government of India in the Department of Finance and Commerce under the aforesaid section, shall apply to the aforesaid Cantonment, subject to the following modification :

For the words “ 1st July, 1895 ” the words “ 1st September, 1895 ” shall be read.

[See *Gazette of India*, 1895, Pt. I, p. 518.]

Application of Finance Department Notification as to use of adhesive and impressed labels.

No. 1247-I., dated the 19th March, 1891.—In exercise of the power conferred by sections 26 and 35 of the Court-fees Act, VII of 1870, as applied to the Cantonment of Sikandarabad by Foreign Department Notification³ No. 213-J., dated the 24th October, 1873, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notification⁴ No. 361, dated the 18th April, 1883, issued by the Department of Finance and Commerce under the aforesaid sections, shall apply to the aforesaid Cantonment from the [1st September, 1891].⁵

[See *Gazette of India*, 1891, Pt. I, p. 149.]

Exemption from court-fee of applications for repayment of fines refund of which has been ordered.

No. 2991-I., dated the 25th September, 1896, printed, *supra*, p. 360.

Application of Finance Department Notification making certain reductions and remissions of Court-fees.

No. 1244-I., dated the 19th March, 1891.—In exercise of the power conferred by section 35 of the Court-fees Act, VII of 1870, as applied to the Cantonment of Sikandarabad by Foreign Department Notification³ No. 213-J., dated the 24th October, 1873, the Governor General in Council is pleased to direct that so much of the Notification⁶ No. 4650, dated the 10th September, 1889, issued by the Department of Finance and Commerce under the Court-fees Act, VII of 1870, section 35, as is specified below, shall apply to the Cantonment of Sikandarabad from the [1st September, 1891]⁶ :

The preamble, clauses (1) to (3) (both inclusive) ; clauses (5) to (11) (both inclusive) ; clauses (13) to (17) (both inclusive) ; clause (19) ; clause (35) except the words “ in the Presidency of Bombay or by the Sadar Court in Sind ” ; and clause (43) except the words and figures “ or Act XX of 1864 (*an Act for making better provision for the care of the persons and property of minors in the Presidency of Bombay*). ”

[See *Gazette of India*, 1891, Pt. I, p. 148.]

¹ See also Chapter II *supra*, p. 33.

² See *Gazette of India*, 1895, Pt. I, p. 265.

³ The Act is now in force in Sikandarabad in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

⁴ See *Gazette of India*, 1883, Pt. I, p. 189.

⁵ As amended by Notification No. 3343-I., dated the 13th August, 1891, printed *infra*, p. 549.

⁶ See *Gazette of India*, 1889, Pt. I, p. 506.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Court-fees Act, 1870—*contd.***

Application of notification amending Notification No. 4650, dated the 10th September, 1889.

No. 1301-I, dated the 18th April, 1894.—In exercise of the power conferred by section 35 of the Court-fees Act (VII of 1870), as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 213-J., dated the 24th October, 1873, and in supersession of the orders contained in clause (6) under heading A of the Notification by the Government of India in the Department of Finance and Commerce, No. 4650, dated the 10th September, 1889, as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 1244-I., dated the 19th March, 1891, the Governor General in Council is pleased to direct that the provisions of the Notification ²No. 4344-S.R., dated the 16th October, 1893, issued by the Government of India in the Department of Finance and Commerce under the Court-fees Act (VII of 1870), section 35, shall apply to the Cantonment of Sikandarabad.

[See *Gazette of India*, 1894, Pt. I, p. 208.]

Order under the Prisoners Act, 1871.

Central Prison at Akola declared a place to which prisoners sentenced to transportation may be sent.

No. 3364-I, dated the 17th September, 1887.—Under section 33 of the Prisoners Act, V of 1871, as modified by the Prisoners Act Amendment Act, IX of 1882, and as extended to the Cantonment of Sikandarabad, the Governor General in Council is pleased to appoint the Central Jail at Akola to be a place to which prisoners sentenced in the Cantonment of Sikandarabad to transportation shall be sent.

2. This notification shall be deemed to have had effect from the 1st January, 1888.

[See *Gazette of India*, 1886, Pt. I, p. 527.]

Nagpur jail declared to be a prison for purposes of Act.

No. 3723-I, dated the 20th September, 1889, printed supra, p. 361.

Orders under the Indian Registration Act, 1877.

Formation of a sub-district and appointing an Inspector-General and a Sub-Registrar.

No. 215-J., dated the 24th October, 1873.—With reference to the separate Notification of this date, No. 214-J.,³ the Governor General in Council is pleased, under the provisions of section 9 of Act VIII of 1871 (The Indian Registration Act, 1871), to declare the Cantonment of Sikandarabad to be a sub-district for the purposes of the said Act.

¹ See also Chapter II *supra*, p. 33.

² See *Gazette of India*, 1893, Pt. I, p. 575.

³ This notification applied Act VIII of 1871. It has been superseded by Notification No. 77-J., dated the 27th June, 1877, applying Act III of 1877, and the Notification last mentioned by Notification No. 1811-I.B., dated the 1st July, 1898, in virtue of which the Act is now in force in this Cantonment. It is printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments— 2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Indian Registration Act, 1877—*contd.***

The Governor General in Council is also pleased to appoint the Inspector-General of Registration in the Hyderabad Assigned Districts to be the Inspector-General; the Cantonment Magistrate of Sikandarabad to be "Registrar of the District"; and the Assistant Cantonment Magistrate of Sikandarabad to be Sub-Registrar of the sub-district aforesaid.

[See *Gazette of India*, 1873, Pt. I, p. 931.]

No. 189-J, dated the 12th November, 1878.—In modification of Foreign Department Notification, dated the 24th October, 1873, No. 215-J., the Governor General in Council is pleased, under the provisions of section 9 of Act III of 1877 (The Indian Registration Act, 1877), to appoint the Muharrir for the time being² [of the Office of the Registrar of the District] to be the Sub-Registrar of the sub-district of Sikandarabad.

[See *Gazette of India*, 1878, Pt. I, p. 62.]

Application of Berar Table of Registration Fees to Sikandarabad

No. 9, dated the 8th July, 1886.—With the sanction of the Government of India, the Resident is pleased to extend to the Cantonment of Sikandarabad the revised table of registration fees for the Hyderabad Assigned Districts, published in the Residency Orders Notification³ No. 113, dated 1st June, 1886, with effect from the 1st August, 1886.

[See *Hyderabad Residency Orders*, 1886, Pt. I, p. 103.]

Orders under the Code of Civil Procedure.

Investiture of Cantonment Magistrate, Sikandarabad, with powers under section 539.

No. 17, dated the 13th October, 1886.—The Officiating Resident has been pleased to appoint the Cantonment Magistrate of Sikandarabad to exercise the powers mentioned in section 539 of the Code of Civil Procedure

[See *Hyderabad Residency Orders*, 1886, Pt. I, p. 142.]

Declaring the Court of Small Causes in its extended jurisdiction to be a District Court for purposes of Chapter XX (Insolvent Debtors).

No. 12 dated the 29th July, 1881.—It is hereby notified for general information that the Small Cause Court, in its extended jurisdiction, is the District Court for the purposes of Chapter XX of the Civil Procedure Code ("of insolvent judgment debtors") within the limits of the Cantonment of Sikandarabad.

[See *Hyderabad Residency Orders*, 1881, Pt. I, p. 185.]

Application of Rules in force in British India under the Indian Telegraph Act, 1885.

No. 1009-I, dated the 4th March, 1891.—In continuation of the Foreign Department Notification No. 3659-I, dated the 31st October, 1890, applying the provisions,

¹ See also Chapter II *supra*, p. 33.

² As amended by Notification No. 35-J., dated the 20th February, 1879, see *Hyderabad Residency Orders*, 1879, Pt. I, p. 109.

³ For this Notification see p. 335 *supra*.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*****Application of Rules in force in British India under the Indian Telegraph Act,
1885—*contd.***

so far as they may be suitable, of Act XIII of 1885 (The Indian Telegraph Act) to the Cantonment of Sikandarabad, subject to certain modifications, the Governor General in Council is pleased to direct that the rules in force from time to time under the said Act in British India shall be deemed to be similarly in force in the Cantonment of Sikandarabad.

[See *Gazette of India*, 1891, Pt. I, p. 124.]

Orders under the Cantonments Act, 1889.

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in a modified form.

No. 1911-I., dated the 14th June, 1895.—In exercise of the power conferred by section 25 of the Cantonments Act, 1889, as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 1874-I., dated the 25th April, 1890, the Governor General in Council is pleased to extend to the said Cantonment the following enactments, subject to the restrictions and modifications shown in the adapted form below.

II. The following rules in Chapters III and IV of the rules and regulations made under clauses (4) to (11) of section 19 of Act XXII of 1864 and applied to the Cantonment of Sikandarabad under the orders of the Government of India in the Foreign Department, No. 1266, dated the 28th July, 1868, are hereby cancelled, namely : —

Chapter III, rules 8, 10, 44, 45, 46, 50 and 51.

Chapter IV, rules 24, 28, 29, 30 and 31.

ENACTMENTS.

Act XX, 1891, Chapter VI, section 90.

Act XX, 1891, Chapter VI, section 92.

ADAPTED FORM.*Control over buildings, lands, etc.*

(I) The Cantonment Authority may Roofs and external direct that within walls not to be made of certain limits to be inflammable materials. fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable materials without the permission of the Cantonment Authority in writing; and the Cantonment Authority may, by written notice, require any person who has disobeyed any such direction to remove or alter the roofs or walls so made or renewed, as it may think fit.

(II) (I) Every person who intends to Notice of new erect or re-erect any buildings. building shall, if required to do so by any rule or bye-law duly made by competent authority, give notice in writing, in the manner herein-

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.***

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in a modified form—contd.

ENACTMENTS—*contd.*

Act XX, 1891, Chapter VI, section 92—*contd.*

ADAPTED FORM—*contd.*

Control over buildings, lands, etc.—contd.
after prescribed, of his intention to the Cantonment Authority;

and the Cantonment Authority may, within six weeks after the receipt of such notice, either refuse to sanction the said building, or may sanction the said building either absolutely or subject to any written directions which it may deem fit to issue in respect of all or any of the matters following, namely:—

- (a) free passage or way in front of the building;
- (b) space to be left about the building to secure free circulation of air and facilitate scavenging and for the prevention of fire;
- (c) ventilation, and the provision and position of drains, privies or cesspools;
- (d) level and width of foundation, level of lowest floor and stability of structure, and
- (e) the line of frontage with neighbouring buildings, if the building abuts on a street;

and the person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the Cantonment Authority shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Any person giving notice to the Cantonment Authority under sub-section (1) shall, if required to do so by any rule or bye-law duly made by competent authority, along with his notice, forward a plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land of such character and with such details as

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in modified form—contd.

ENACTMENTS—*contd.*

Act XX, 1891, Chapter VI, section 92—*contd.*

ADAPTED FORM—*contd.*

Control over buildings, lands, etc.—contd.

the rule or bye-law may require. No notice under sub-section (1) shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the Cantonment Authority may within fifteen days from the receipt of any notice under sub-section (1) require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land, with such reasonable details as the Cantonment Authority may prescribe in its requisition; and in such case the notice shall not be valid until such plans and specification have been supplied.

(4) Should any such building be begun or erected without giving notice, or without submitting such plans and specification as aforesaid, or in contravention of any legal order of the Cantonment Authority issued within six weeks of receipt of a valid notice under sub-section (1), the Cantonment Authority may, by notice to be delivered within a reasonable time, require the building to be altered or demolished, as it may deem necessary.

(5) Should the Cantonment Authority neglect or omit for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice any order in respect thereof, it shall be deemed to have sanctioned the proposed building absolutely.

(6) Every sanction for the erection or re-erection of any building which shall be given or deemed to have been given by the Cantonment Authority shall be available for one year from the date on which the notice shall have become valid and complete, and no longer; and, should the building so sanctioned not have been

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.(a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

*Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891),
as to control over buildings, lands, etc, in a modified form— contd.*

ENACTMENTS—*contd.*

Act XX, 1891, Chapter VI, sec-
tion 92—*concl'd.*

Act XX, 1891, Chapter VI, section 94.

Act XX, 1891, Chapter VI, section 95.

ADAPTED FORM—*contd.**Control over buildings, lands, etc.—contd.*

begun by the person who has obtained such sanction, or some one lawfully claiming under him, within such year, it shall not be begun without fresh sanction ; but such person as aforesaid may at any subsequent time give fresh notice to the Cantonment Authority in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

(III) The expression “erect or re-erect any building,” as used in Act XX of 1891, section 92, as extended to the Cantonment, includes—

- (a) any material alteration or enlargement of any building ;
- (b) the conversion into a place for human habitation of any building not originally constructed for human habitation ;
- (c) the conversion into more than one place for human habitation of a building originally constructed as one such place ;
- (d) the conversion of two or more places of human habitation into a greater number of such places ;
- (e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements, or affect its security and
- (f) the addition of any rooms, buildings, outhouses or other structures to any building.

(IV) (I) It shall not be lawful, without the written permission of the Cantonment Authority, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure overhanging, projecting into or encroach-

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.(a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

*Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891),
as to control over buildings, lands, etc., in a modified form—contd.*

ENACTMENTS—*contd.*

Act XX, 1891, Chapter VI, section
95—*concl'd.*

ADAPTED FORM—*contd.*

Control over buildings, lands, etc.—contd.

ing on any street or into or on any drain,
sewer or aqueduct therein.

(2) The Cantonment Authority may,
by notice, require the owner or occupier
of any building to remove or alter any
such projection or encroachment as afore-
said :

Provided that, in the case of any projec-
tion or encroachment lawfully in existence
when this section is extended to the can-
tonment, the Cantonment Authority shall
make reasonable compensation for any
damage caused by the removal or altera-
tion.

(3) The Cantonment Authority may,
by resolution, give permission to the owners
or occupiers of buildings in any particular
street to put up open verandahs, balconies
or rooms projecting from any upper storey
thereof to an extent beyond the line of the
plinth or basement-wall, and at a height
from the level of the ground or street, to
be specified in the resolution.

Act XX, 1891, Chapter VI, section 121.

(V) The Cantonment Authority may,
by notice, require
Troughs and pipes for the owner or grantee
rain-water. of any building or
land in any street to put up and keep in
good condition proper troughs and pipes
for receiving and carrying the water from
the building or land and for discharging
the same so as not to inconvenience persons
passing along the street.

Act XX, 1891, Chapter VI, section 124.

(VI) The Cantonment Authority may,
by notice, require
Unauthorized build- any person who with-
ings over drains, etc. out its permission in
writing may newly erect or rebuild any
building over any sewer, drain, culvert,
water-course or water-pipe vested in the
Cantonment Authority to pull down or
otherwise deal with the same as it may
think fit.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.(a)-Local Rules and Orders¹
under Acts—*contd.* .Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in a modified form—contd.

ENACTMENTS—*contd.*ADAPTED FORM—*contd.**Control over buildings, lands, etc.—contd.*

Act XX, 1891, Chapter VI, section 127.

(VII) Should any building or any well, tank, reservoir, pool, depression or excavation be, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working in the neighbourhood, the Cantonment Authority may, by notice, require the owner or occupier thereof to repair, protect or enclose the same ; and, should it appear to the Cantonment Authority to be necessary in order to prevent imminent danger, it shall forthwith take such steps to avert the danger as may be necessary.

Act XX, 1891, Chapter VI, section 128.

(VIII) Should any building, wall or structure, or anything affixed thereto, or any bank or tree, be deemed by the Cantonment Authority to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building, wall, structure or bank as it may consider necessary for the public safety,

and, should it appear to be necessary in order to prevent imminent danger, the Cantonment Authority shall forthwith take such steps to avert the danger as may be necessary.

Act XX, 1891, Chapter VI, section 131.

(IX) Should the owner, grantee or occupier of any building or land suffer the same to be in a filthy or unwholesome state, the Cantonment Authority may, by notice, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

Act XX, 1891, Chapter VI, section 132.

(X) Should any building, or any part of any building, appear to the Cantonment Authority to be unfit for human use, Power to prohibit use for human habitation of buildings unfit for such use.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.(a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in a modified form—contd

ENACTMENTS—*contd.*

Act XX, 1891, Chapter VI, section 132—*contd.*

Act XX, 1891, Chapter VI, section 133.

Act XX, 1891, Chapter VI, section 147.

ADAPTED FORM—*contd.*

Control over buildings, lands, etc.—concl.
habitation in consequence of the want of proper means of drainage or ventilation or other sufficient reason, the Cantonment Authority may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the Cantonment Authority.

(XI) The Cantonment Authority may, by notice, require the owner or part-tenant building or the owner or part-land becoming a nuisance to be secured or enclosed. owner or part-owner of any building or land, or the grantee or person claiming to be the grantee of any land,

which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance,

to secure or enclose the same within a reasonable time to be fixed in the notice.

Notices under Act XX, 1891.

(XII) (1) When any notice under any section of Chapter VI of Act XX of 1891, as extended to the Cantonment, requires any act to be done for which no time is fixed by such section, it shall fix a reasonable time for doing the same. ;

(2) Whenever it is provided by any such section as aforesaid that any such notice may be given to the owner, grantee or occupier of any land or building, and the owner or grantee and the occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them :

Provided that in any such case, where there is no owner or grantee resident

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc, in a modified form—contd.

ENACTMENTS—*contd.*ADAPTED FORM—*contd.*Notices under Act XX, 1891—*contd.*

Act XX, 1891, Chapter VI, section 147—*contd.*

within the Cantonment, the delivery of such notice to the occupier shall be sufficient.

(3) Whenever the terms of any such notice have not been complied with, the Cantonment Authority may, after six hours' notice, by its officers, cause the act to be done

Act XX, 1891, section 148.

(XIII) (1) Where, under any such section as aforesaid, Recovery of costs of the owner, grantee execution. or occupier of property is required by the Cantonment Authority to execute any work and default has been made in complying with the requirement, and the Cantonment Authority has executed the work, the Cantonment Authority may recover the cost of the work from the person in default.

(2) As between themselves and the Cantonment Authority, both the owner or grantee and the occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(3) When the person primarily in default is the owner or grantee, and the Cantonment Authority has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner or grantee, or otherwise recover it from such owner or grantee.

(4) Provided that no occupier shall be required to pay under sub-section (3) any sum greater than the amount for the time being due from him to his immediate landlord, either in respect of rent due at the date of such demand as aforesaid or

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders' under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in a modified form—contd.

ENACTMENTS—*contd.*ADAPTED FORM—*contd.*

Act XX, 1891, section 148—*contd.*

Notices under Act XX, 1891—concl'd.

thereafter accruing, unless he has refused on application to him by the Cantonment Authority truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Cantonment Authority from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(5) All money recoverable by the Cantonment Authority under this section may be recovered either by suit or on application to a Magistrate having jurisdiction within the Cantonment by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner or grantee of the property shall, until it is paid, be a charge on the property or the interest of the grantee therein.

(6) Nothing in this section shall affect any contract between landlord and tenant as to the incidence of any charge or expense.

Act XX, 1891, section 191, sub-sections (1) and (5).

(XIV) (1) Every notice issued by the Cantonment Authority under any section of Act XX of 1891, as extended to the Cantonment, shall be in writing and shall be signed—

(a) by the president or secretary of the Cantonment Committee, or

(b) if the Cantonment Committee has ceased to exist or cannot be convened, by the Commanding Officer of the Cantonment.

(5) No notice issued by the Cantonment Authority under any such section as aforesaid shall be invalid for defect of form.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments.—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1899—*contd.*

*Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891),
as to control over buildings, lands, etc., in modified form—contd.*

ENACTMENTS—*contd.*ADAPTED FORM—*contd.**Penalties and prosecutions under Act XX,
1891.*

Act XX, 1891, section 169.

(XV) Whoever disobeys any lawful direction given by the Cantonment Authority by public notice under the Chapter VI. powers conferred upon it by any section of Chapter VI of Act XX of 1891, as extended to the Cantonment, or any written notice lawfully issued by it under the powers so conferred, or

fails to comply with the conditions subject to which any permission was given by the Cantonment Authority to him under those powers,

shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues :

Provided that, when a notice under any section of the said chapter fixes a time within which a certain act is to be done, and no time is specified in such section, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of section 147, sub-section (1), of the said Act, as extended to the Cantonment.

Act XX, 1891, section 186.

(XVI) No Court shall take cognizance of any offence punishable under Act XX, 1891, any section of Act XX of 1891, as extended to the Cantonment, except on the complaint of the Cantonment Authority or of some person authorized by the Cantonment Authority in this behalf.

Explanation.—The Cantonment Authority may authorize persons to prosecute either generally in regard to all offences against such sections as aforesaid, or particularly in regard only to specified offences

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹ under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in a modified form—contd.

ENACTMENTS—*contd.*ADAPTED FORM—*contd.**Penalties and prosecutions under Act XX, 1891—contd.*

Act XX, 1891, section 186—*contd.*

or offences of a specified class. The person authorized may be authorized by office if he is president or secretary of the Cantonment Committee. In other cases the authority must be personal. The authority must in all cases be in writing, and may at any time be cancelled by the Cantonment Authority.

Act XX, 1891, section 170.

(XVII) When any order of the kind specified in Act XX of 1891, section 169, pending appeal, the Cantonment, is, under rule 17 of the Sikandarabad Cantonment Rules, 1895,² subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Compensation under Act XX, 1891.

Act XX, 1891, Chapter VI, section 149.

(XVIII) (1) The Cantonment Authority may make

compensation out of the Cantonment Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Cantonment Authority, its officers and servants, under any section of Act XX of 1891, as extended to the cantonment;

and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) Should any dispute arise touching the amount of any compensation which the Cantonment Authority is required by any such section as aforesaid to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition

¹ See also Chapter II *supra*, p. 33.

² Printed *infra*, p. 502.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.*

Application of certain provisions of the Panjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands; etc., in modified form—contd.

ENACTMENTS—*contd.*

Act XX, 1891, Chapter VI, section 149—*concl'd.*

Act XX, 1891, section 205.

ADAPTED FORM—*contd.*

Compensation under Act XX, 1891—cont'd.

Act, 1894,² with reference to the acquisition of and payment of compensation for land for public purposes, so far as it can be made applicable.

Relief to Agents and Trustees under Act XX, 1891.

(XIX) (1) When any person, by reason of his receiving relief to agents and trustees under Act XX, the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under any section of Act XX of 1891, as extended to the Cantonment, be bound to discharge any obligation imposed by any such section as aforesaid on the owner of the property and for the discharge of which money is required, he shall not be bound to discharge the obligation unless he has, or but for his own improper act or default might have had, in his hands funds belonging to the owner sufficient for the purpose.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the Cantonment Authority may give him notice to apply to the discharge of such obligation as aforesaid the first moneys which shall come to his hands on behalf or for the use of the owner, and should he fail to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Validation of proceedings under Act XX, 1891.

Act XX, 1891, section 28.

(XX) No act done or proceeding taken

Vacancies and irregularities not to invalidate proceedings under Act XX, 1891. under any section of Act XX of 1891, as extended to the Cantonment,

¹ See also Chapter II *supra*, p. 33.

² Applied by Notification No. 2348-I, dated the 12th July 1894 Printed *supra*, p. 443.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹ under Acts—*contd.*Orders under the Cantonment¹ Act, 1889—*contd.*

Application of certain provisions of the Pannjab Municipal Act, 1891 (XX of 1891), as to control over buildings, lands, etc., in modified form—contd.

ENACTMENTS—*contd.*ADAPTED FORM—*contd.**Validation of proceedings under Act XX, 1891—contd.*

Act XX, 1891, section 28—*contd.*

shall be questioned on the ground merely of the existence of any vacancy in the Cantonment Committee, or on account of any defect or irregularity not affecting the merits of the case.

Act XX, 1891, section 3, clauses (4) and (5).

Definition of terms used in Act XX, 1891.

(XXI) In any section of Act XX of 1891, as extended to the Canton-

Definitions.

ment, unless there is something repugnant in the subject or context,—

(1) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and foot-way over any public bridge or causeway;

(2) "owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant; but does not include the Government in the case of land of which there is an existing "grantee"; and

(3) "grantee" has the meaning given to it in the Sikandarabad Cantonment Rules, 1895.²

[See *Gazette of India*, 1895, Pt. I, p. 524.]

Sikandarabad Cantonment Rules, 1895.

XIII of 1889. No. 1910-I., dated the 14th June, 1895.—In exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889, as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 1374-I., dated the 25th April, 1890, the Governor-General in Council is pleased to make the following rules for the said Cantonment:—

RULES UNDER ACT XIII OF 1889, SECTIONS 26 (14) AND 27 (4)—

"the prevention of the overcrowding of buildings and places in a cantonment."

1. (1) Whenever it appears to the Cantonment Authority that any block of buildings is, by reason of the manner in which the buildings are crowded together, in an unhealthy condition, the Cantonment Authority may cause

Removal of overcrowded buildings.

the block to be inspected by a Committee consisting of—
(a) the Sanitary Officer,

¹ See also Chapter II *supra*, p. 33.

² Corrected from 1894 to 1895 by Notification No. 2789-I., dated the 26th August, 1895, see *Gazette of India*, 1895, Pt. I, p. 731.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a).—Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Sikandarabad Cantonment Rules, 1895—contd.*

- (b) the Executive Engineer, or some person deputed by him, and
 (c) the Cantonment Magistrate.

(2) Such Committee shall make a report in writing on the sanitary condition of the block; and, if they consider that its overcrowded condition is likely to cause risk of disease to the inhabitants of the buildings or of the neighbourhood, or to endanger the public health, they shall clearly indicate, on a plan verified by the Executive Engineer or by the person deputed by him to serve on the Committee, the buildings which should, wholly or in part, be removed in order to abate the unhealthy condition of the block.

(3) If, upon receipt of such report, the Cantonment Authority is of opinion that all or any of the buildings indicated should be removed, it may, by notice, require the owners thereof to remove them:

Provided that the Cantonment Authority—

- (i) shall make compensation to such owners for any buildings which may have been erected in accordance with the law for the time then being applicable to such buildings, and
 (ii) shall also compensate all persons whose lands or buildings are injuriously affected by reason of such removal.

(4) The sums payable as compensation under this rule may be settled by mutual agreement between the Cantonment Authority and such owners as aforesaid, or, if the parties shall agree thereto, by a Committee of Arbitration constituted as hereinafter provided.

(5) If the owner of any building fails to comply with any notice issued under clause (3) within a reasonable time after the sum payable for compensation has been determined, the Cantonment Authority may, on reasonable notice, themselves cause such building to be removed, and may deduct the necessary expenses of such removal from the sum so payable as aforesaid.

EXPLANATION.—In this rule “buildings” include enclosure-walls or fences connected with buildings.

RULES UNDER ACT XIII OF 1889, SECTIONS 26 (15) AND 27 (4)—

“the construction and maintenance, to the satisfaction of the Cantonment Authority, of buildings and of boundary-walls, hedges and other fences.”

The maintenance of buildings.

Power to require that building be made fit for purposes for which it was constructed or is intended to be used.

2. (1) Whenever any building is so ill-constructed or dilapidated, or is in so insanitary a state, as, in the opinion of the Cantonment Authority, to be unfit for the purpose for which it was constructed or is intended to be used,

the Cantonment Authority may, by notice, require the owner of the building, within a reasonable time, to be specified in the notice, to make it fit for one or other of the purposes aforesaid.

(2) A copy of every notice issued under clause (1) of this rule shall be conspicuously posted on the building to which the notice relates.

(3) Until such notice has been complied with, it shall not be lawful to use such building for any of the purposes aforesaid, and any person using such building

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Sikandarabad Cantonment Rules, 1895—contd.*

in contravention of this rule shall be liable to fine which may extend to five rupees for every day during which such user continues :

Provided that any such notice shall be deemed to have been complied with if the owner of the building to which it relates has removed the building.

3. (1) The Cantonment Authority may, by notice, direct that all or any part of any building be forthwith internally or externally lime-washed or otherwise cleansed for sanitary reasons.

Power to require that building be cleansed.

(2) Every notice given under this rule may be enforced as if it were a notice given under Act XX of 1891 as extended to the Cantonment.

The construction and maintenance of boundary-walls, hedges and other fences.

Construction and maintenance of boundary-walls, hedges and other fences.

4. The Cantonment Authority may, by notice, require the grantee or owner of any land —

(a) to construct sufficient boundary-walls, hedges or other fences therefor, of such reasonable materials, description and dimensions as may be specified in the notice, or

(b) to maintain the boundary-walls, hedges or other fences thereof in good order.

EXPLANATION.—“Boundary-walls, hedges or other fences” include all necessary gates, and the posts or pillars thereof.

5. The Cantonment Authority may, by notice, require the grantee, owner or occupier of any land to cut or trim, within ten days, in any proper and reasonable manner specified in the notice, the hedges standing on the land.

6. Whoever fails to comply with any notice issued under rule 4 or rule 5 shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing failure, with an additional fine which may extend to five rupees for every day after the first during which such failure continues.

RULES UNDER ACT XIII OF 1889, SECTIONS 26 (17) AND 27 (4) —*“the regulation of.....public assemblies.”*

7. (1) The Cantonment Magistrate may, by notice, prohibit the use of any building as a theatre or place of public entertainment or resort, if in his opinion the building or any of the structures therein is unsafe, and if such precautions as he may prescribe in the notice are not taken to secure the safety of persons assembled in the building.

(2) A copy of every notice issued under clause (1) of this rule shall be conspicuously posted on the building to which the notice relates.

8. Whoever does any act in contravention of any notice issued under rule 7 shall be punishable with fine which may extend to fifty rupees, or with imprisonment for a term which may extend to eight days, and, in case of a continuing offence, with an additional fine which may extend to five rupees for every day after the first during which such offence continues.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Sikandarabad Cantonment Rules, 1895—contd.***RULES UNDER ACT XIII OF 1889, SECTIONS 26 (27) AND 27 (4)—**

“the appointment by owners of buildings and lands in cantonments, who are absent from cantonments, of persons residing within or near cantonments to act as their agents for all or any of the purposes of this Act or any enactment extended or rule made thereunder.”

9. Every owner of any building or land in the Cantonment of Sikandarabad who is absent from the Cantonment shall appoint some person who resides within or near the Cantonment to act as his agent for all the purposes of the Cantonments Act, 1889, as applied to the said Cantonment, and any enactment extended or rule made thereunder; and shall notify such appointment to the Cantonment Magistrate.

XIII of
1889.

²9A. Whoever fails to appoint an agent or to notify such appointment to the Cantonment Magistrate, as required by rule 9, shall be punishable with fine which may extend to twenty rupees, and, in case of a continuing failure, with an additional fine which may extend to five rupees for every day after the first during which such failure continues.

RULES UNDER ACT XIII OF 1889, SECTION 26 (28)—

“the powers of inspection, entry and search which may be exercised in carrying out any of those purposes”

Inspection and entry.

Entry and inspection by, or by the authority of, the Cantonment Authority.

10. The Cantonment Authority, by itself or by any person generally or specially authorised by it in this behalf, may after due notice—

(1) enter into or on any building or land for the purpose of—

(a) making any inspection authorised by rule 1, clause (1), or

(b) performing any act authorised by Act XX of 1891, section 127, or section 128, as extended to the Cantonment, or

(2) enter into or on, and inspect, any building or land in, on or with respect to which the Cantonment Authority has reason to believe—

(c) that any notice issued under rule 4 or rule 5, or under Act XX of 1891, section 127 or section 131, as extended to the Cantonment, has not been duly complied with, or

(d) that a notice should be issued under either of the said rules or sections.

11. The Sanitary Officer, by himself or by any medical officer of the Government specially deputed in writing by him in this behalf, may after due notice—

Entry and inspection by, or by the authority of, the Sanitary Officer.

(1) enter into or on, and inspect, any building or land with respect to which the Sanitary Officer has reason to believe that the Cantonment Authority should be moved—

(a) to take any action under rule 1, clause (1), or

¹ See also Chapter II *supra*, p. 33.

² Rule 9A was added by Notification No. 2303-I.B., dated the 15th June, 1897, see *Gazette of India*, 1897, Pt. I, p. 524.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments.—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Sikandarabad Cantonment Rules, 1895—contd.*

(b) to issue any notice under rule 2 or rule 3, or

(c) to issue any notice under Act XX of 1891, section 131, section 132 or section 133, as extended to the Cantonment, or

(2) enter into or on, and inspect, any building or land, for the purpose of advising the Cantonment Authority whether any, and, if so, what directions should be issued under Act XX of 1891, section 92, clause (b) or clause (c), as extended to the Cantonment.

12. The Cantonment Magistrate, by himself or by any person generally or specially authorised by him in this behalf, may enter into and inspect any building which is being used, or is intended to be used, as a theatre or place of public entertainment or resort, or any structure therein, for the purpose of enquiring into and testing the safety of such building or structures.

Entry and inspection by, or by the authority of, the Cantonment Magistrate.

Time of entry.

13. Every entry made in pursuance of rule 10, rule 11 or rule 12 shall be made between sunrise and sunset :

Provided that, if in any case the authority empowered by any of the said rules to make or authorise an entry considers it necessary, in the interests of the public health or safety, that entry should be made at any other time, he or it may, for reasons to be recorded in writing, make such entry, or authorise it to be made, at any reasonable time between sunset and sunrise.

14. When any building used as a human dwelling is entered under these rules, due regard shall be paid to the social and religious sentiments of the occupiers; and no apartment occupied by a woman shall be entered under these rules until she has been informed that she is at liberty to withdraw and every reasonable facility has been afforded to her for withdrawing.

RULES UNDER ACT XIII OF 1889, SECTION 26 (29)—
“the mode in which summonses, notices, requisitions and other documents are to be served on the persons to whom they are addressed.”

XIII of 1889. Service of summonses, notices, requisitions and other documents.

15. (1) Unless it is in these rules, as amended from time to time, or in any enactment extended to the Cantonment of Sikandarabad under section 25 of the Cantonments Act, 1889, as applied to the said Cantonment, in any case otherwise expressly provided, any summons, notice, requisition or other document issued under the said rules or under any such enactment may be served by being delivered to the person to whom it is addressed, or by being left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served, may be posted on some conspicuous part of his usual place of abode or business.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Sikandarabad Cantonment Rules, 1895—contd.*

(2) If the usual place of abode or business of the person to whom the summons, notice, requisition or document is addressed is not within the Cantonment, it may be served by posting it in a registered cover addressed to his usual place of abode or business.

(3) If the usual place of abode or business of the owner of any property is not known, and if he has duly appointed an agent under rule 9, any such summons, notice, requisition or document addressed to him as such owner shall be served on such agent.

(4) If the usual place of abode or business of the owner or occupier of any property is not known, and if he has not duly appointed an agent under rule 9, any such summons, notice, requisition or document addressed to him as such owner or occupier may be served by posting it on some conspicuous part of the property.

16. The service of a summons, notice, requisition or other document as aforesaid on any agent appointed by an absentee owner shall be deemed to be service on the owner.

Service on agent of absentee owner.

RULES UNDER ACT XIII OF 1889, SECTION 26 (30)—

“the cases, authorities and conditions in, to and on which executive orders passed under this Act or any enactment extended or rules made thereunder may be appealed from.”

17. Any person aggrieved by an executive order described in the second column of the schedule hereto annexed may appeal to the authority specified in that behalf in the third column of the same Schedule.

Appeals from executive orders
when allowed and to whom to lie.

Time for appeal.

18. (1) Every appeal must be made within the period specified in that behalf in the fourth column of the said schedule.

(2) The period specified in the said column as the time allowed for making an appeal shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, as applied to the Cantonment of Sikandarabad,² with respect to computing the period of limitation. **XV of 1877.**

Petition of appeal.

19. (1) Every petition of appeal must be in writing and must be accompanied by a copy of the order appealed against.

(2) Any such petition may be presented to the authority which made the order appealed against; and such authority shall be bound to forward such petition to the appellate authority, and may attach thereto any report which it may desire to make in explanation of such order.

(3) If any such petition is presented direct to the appellate authority, and an immediate order on the petition is not necessary, such authority may refer the petition, for report, to the authority which made the order appealed against.

Order in appeal final.

20. (1) The order of the appellate authority confirming, setting aside or modifying an order appealed against shall be final :

¹ See also Chapter II *supra*, p. 33

² See now Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments.—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Sikandarabad Cantonment Rules, 1895—contd.*

(2) Provided that no order shall be confirmed, set aside or modified in appeal until the appellant has had a reasonable opportunity of being heard.

RULES UNDER ACT XIII OF 1889, SECTION 26 (31)—

“generally, the carrying out of the purposes of this Act.”

Committees of Arbitration.

21. (1) If the Cantonment Authority and the person or persons concerned are unable to agree as to the amount of any compensation payable under rule 1, the Commanding Officer of the Cantonment shall by notice in writing require such person or persons to refer the matters in difference to the decision of a Committee of Arbitration.

(2) If such persons agree to such reference, the Commanding Officer of the Cantonment shall proceed to convene a Committee of Arbitration as hereinafter mentioned.

(3) If any such person shall not within seven days after the receipt of such notice as aforesaid refuse in writing addressed to the Commanding Officer to agree to such reference, he shall be deemed to have agreed thereto.

22. (1) Whenever a Committee of Arbitration is to be convened, the Commanding Officer of the Cantonment shall cause an order to be published in Station Orders, stating the matter to be determined.

(2) The Cantonment Magistrate shall send a copy of such order to the First Assistant to the Resident at Hyderabad and to the parties concerned, and shall, by notice, require such parties to nominate members of the Committee in accordance with rules 23 and 24.

Composition of Committee of Arbitration.

23. (1) Every Committee of Arbitration convened in pursuance of rule 21 shall consist of—

- (a) the First Assistant to the Resident or, if it is inconvenient for him to act on any Committee, some Magistrate, being a Justice of the Peace, appointed by the Resident at Hyderabad, to act in his stead;
- (b) a member to be nominated by the person or persons concerned; and
- (c) a member to be nominated by the Cantonment Authority:

(2) Provided that—

- (i) if the person or persons referred to in clause (b) of this rule shall fail to nominate a member within seven days from the date on which he or they may be called upon to do so, or
- (ii) if any member nominated by such person or persons neglects or refuses to act, and such person or persons shall fail to nominate another member in his place within seven days from the date on which he or they may be called upon to do so,

the Commanding Officer of the Cantonment shall forthwith appoint a member in the place of a nominee of such person or persons.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd***B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Sikandarabad Cantonment Rules, 1895—contd.*

24. No person who is personally interested in the matter under reference shall be capable of being nominated or appointed a member of a Committee of Arbitration; and if any person who is so interested, or whose services are not immediately available for the purposes of the Committee, shall be so nominated or appointed, he shall be deemed to have refused to act, and thereupon a fresh nomination or appointment, as the case may be, shall be made.

Members of Committee of Arbitration to be persons who are not personally interested, and whose services are immediately available.

25. When a Committee of Arbitration has been duly constituted, the Cantonment Magistrate shall, by notice, inform each of the members of the fact, and the Committee shall assemble within seven days from the service of such notice.

Assembly of Committee of Arbitration.

President of Committee of Arbitration.

26. The Senior Officer present shall be the president of every Committee of Arbitration.

Miscellaneous.

27. Whenever an appeal has been presented, within the period specified in that behalf in the fourth column of the schedule hereto annexed, from any order,

other than a notice issued under rule 7 or under Act XX of 1891, section 127 or section 132, as extended to the Cantonment,

the Cantonment Magistrate may, on receiving notice from the appellant, suspend all action on such order pending the decision of the appeal.

28. Any power conferred by these rules, as amended from time to time, on the Cantonment Authority, the Sanitary Officer or the Cantonment Magistrate may be exercised from time to time as occasion requires.

Powers to be exerciseable from time to time.

29. (1) Unless it is in these rules, as amended from time to time; in any case otherwise expressly provided, every public notice issued under the said rules shall be published by proclamation or in such other manner as the Resident at Hyderabad may direct.

(2) Proclamation shall be by such method as the authority issuing the notice, or the Cantonment Magistrate, may deem to be the customary method.

30. The following rules in Chapters III and IV of the rules and regulations made under clauses (4) to (11) of section 19 of Act XXIII of 1864 and applied to the Cantonment of Sikandarabad under the orders of the Government of India in the Foreign Department, No. 1266, dated the 23th July, 1863, are hereby cancelled, namely :—

Cancellation of prior rules.
Chapter III.—Rules 8, 10, 13, 44, 49 and 68.

Chapter IV.—Rules 26, 31 and 35 in so far as that rule deals with rules hereby superseded.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Sikandarabad Cantonment Rules, 1895—contd.*

Definitions.

31. In these rules.—

(1) "Sanitary Officer" means any medical officer appointed from time to time to perform the duties of Sanitary Officer of the Cantonment or of any specific part of the Cantonment under Sikandarabad District Orders No. 10 :

(2) "Executive Engineer" means the Public Works Officer of that grade having charge of the civil works in the Head-Quarters Division of the Public Works Department of the Hyderabad Administration, and includes the officer, of whatever grade, in immediate executive engineering charge of the division :

(3) "grantee" means a person who has been granted permission, whether before or after these rules come into force, to occupy, for the purposes of a building-site, land belonging to the Government in the Cantonment; and includes the successors in interest of a grantee.

32. These rules may be called the Sikandarabad Cantonment Rules, 1895 ; and shall come into force on the 1st August, 1895.

Title and commencement.

SCHEDULE.

APPEALS FROM EXECUTIVE ORDERS.

(See Rules 17 and 18.)

1	2	3	4
Rules or enactments.	Executive orders.	Appellate authority.	Time allowed for appeal.
Rule 2	Cantonment Authority's notice to make a building fit for the purpose for which it was constructed or is intended to be used.	The Resident at Hyderabad.	Thirty days from service of notice.
Rule 7	Cantonment Magistrate's notice prohibiting the use of a building as a theatre or place of public entertainment or resort.	Ditto.	Ditto.
Act XX, 1891, Chapter VI, section 92, as extended to the Cantonment.	Cantonment Authority's refusal to sanction the erection or re-erection of a building.	Ditto.	Thirty days from date of refusal.
" " Ditto . . .	Cantonment Authority's notice to alter or demolish a building.	Ditto.	Thirty days from service of notice.
" " Chapter VI, section 95, sub-section (2), as extended to the Cantonment.	Cantonment Authority's notice to remove or alter a projection or encroachment added to or placed against or in front of a building.	Ditto.	Ditto.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*E.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Sikandarabad Cantonment Rules, 1895—concl'd.*SCHEDULE—*concl'd.*APPEALS FROM EXECUTIVE ORDERS—*concl'd.*

1	2	3	4
Rules or enactments.	Executive orders.	Appellate authority.	Time allowed for appeal.
Act XX, 1891, Chapter VI, section 121, as extended to the Cantonment.	Cantonment Authority's notice to put up and keep in good condition proper troughs and pipes.	The Resident at Hyderabad.	Thirty days from service of notice.
" " Chapter VI, section 124, as extended to the Cantonment.	Cantonment Authority's notice to pull down or otherwise deal with a building newly erected or rebuilt without permission over a sewer, drain, culvert, water-course or water-pipe.	Ditto.	Ditto.
" " Chapter VI, section 127, as extended to the Cantonment.	Cantonment Authority's notice to repair, protect or enclose a building, well, tank, reservoir, pool, depression or excavation.	Ditto.	Ditto.
" " Chapter VI, section 128, as extended to the Cantonment.	Cantonment Authority's notice to remove a building, wall or structure or anything affixed thereto, or a bank or tree or to repair a building, wall, structure or bank.	Ditto.	Ditto.
" " Chapter VI, section 132, as extended to the Cantonment.	Cantonment Authority's notice prohibiting the use of a building on the ground of its being unfit for human habitation.	Ditto.	Ditto.

[See *Gazette of India*, 1895, Pt. I, p. 519.]*Conditions under which buildings in the Cantonment are exempted from house tax.*

No. 4371-I.B., dated the 1st December, 1897.—In exercise of the powers conferred by section 20 of the Cantonments Act, 1889 (XIII of 1889), as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 1374-I., dated the 25th April, 1890, the Governor General in Council is pleased to declare that buildings in the said Cantonment shall be exempt from payment of the tax imposed on houses, buildings and lands by the *Hyderabad Residency Orders* Notification No. 40, dated the 18th November, 1894, in the cases and to the extent hereinafter stated, namely:—

1. When any building, in any lines or quarters, has been occupied by a native soldier or follower, regimental or departmental, such building shall be exempt from payment of the said tax for the period of such occupation.

2. (a) When any building has remained unoccupied and unproductive of rent throughout the year, or the period in respect of which any instalment is payable,

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Conditions under which buildings are exempted from house tax—concl'd.*

such building shall be exempt from payment of the said tax or instalment for the said year or period, as the case may be.

(b) When any building has remained unoccupied and unproductive of rent for any period of not less than sixty consecutive days, such building shall be exempt from payment of so much of the said tax or instalment as is proportionate to the number of days during which such building has not been occupied or productive of rent:

Provided that no such exemption shall be made unless notice in writing of the circumstances under which it is claimed has been given to the Cantonment authority within the first fourteen days of the period in respect of which it is so claimed.

3. The burden of proving the facts entitling any person to claim relief under this notification shall lie upon him.

4. Neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling-house of the furniture habitually used in it shall constitute occupation of the house.

5. A building shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

[See *Gazette of India*, 1897, Pt. I, p. 1078.]

Rules for the administration of the Cantonment Fund.

No. 2058-I. B., dated the 29th July, 1898—In exercise of the powers conferred by section 26 of the Cantonments Act, 1889 (XIII of 1889), as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 1374-I., dated the 25th April, 1890, the Governor General in Council is pleased to make the following rules regarding the administration of the Sikandarabad Cantonment Fund, and to direct that they shall come into force on and with effect from the first day of August, 1898:—

SIKANDARABAD CANTONMENT FUND RULES.**CONTENTS.****Rule.****1. Application of the Cantonment Fund.***Estimates and Sanctions.*

2. Money not to be paid unless expenditure sanctioned.
3. Responsibility for administering funds
4. Submission and sanctioning of budget-estimates.
5. Re-appropriation.

Payments.

6. Examination of and order for payment of claims.
7. Payments how made.
8. Cheques.
9. Imprest.
10. Overdrafts.

¹See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.**Receipts.***Rule.**

11. Entry and acknowledgment of receipts.
12. Responsibility of Cantonment Committee as to receipts.

Account of the Imprest.

13. Account of the imprest.

Bills for Expenditure.

14. Expenditure to be entered in bills.
15. Claims by contractors or tradesmen.
16. Petty charges to be met from the imprest.
17. Charges incurred direct by Cantonment Committee.
18. Certificates on certain bills.

Entry of Cheques in Accounts.

19. Entry of payments by cheque.
20. Deduction of amount of cancelled cheques.

Accounts and returns.

21. Cash Book.
22. Entry of budget-estimates in registers of receipts and payments.
23. Totalling of registers of receipts and payments and watching of budget grants.
24. Documents to be sent to Comptroller, Hyderabad.
25. Annual consolidated account.

Classification.

26. Classification of receipts and expenditure.

The Cantonment Fund.

27. Sums to be credited to Cantonment Fund.

Remittance to Treasury and Pass Book.

28. All moneys to be remitted to treasury.
29. Procedure for remittances to treasury.
30. Supervision of pass book by Cantonment Committee.

Submission of proposals as to taxation.

31. Submission of proposals as to taxation.

Establishments.

32. Strength and cost of establishments.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*

THE SCHEDULE.

- Form 1. Register of receipts into the Cantonment Fund.
- Form 2. Receipt.
- Form 3. Pass book.
- Form 4. Cantonment Fund cheque.
- Form 5. Register of payments from the Cantonment Fund.
- Form 6. Imprest register of the Cantonment Fund.
- Form 7. Cash book of the Cantonment Fund.
- Form 8. Budget-estimates of receipts into and expenditure from the Cantonment Fund for the year—

- „ Appendix A.—Detailed list of establishments provided for in the Cantonment Fund budget-estimate for the year—
- „ Appendix B.—Detailed list of expenditure provided for in the Cantonment Fund budget-estimate for the year—other than that included in Appendices A, C and D.
- „ Appendix C.—Details of budget-estimate for original works (construction of buildings, roads, latrines, etc.) in the Cantonment for the year—
- „ Appendix D.—Details of budget-estimate for maintenance and repairs in the Cantonment for the year—

Application of the Cantonment Fund. 1. (I) The Cantonment Fund may be applied to the following purposes within the Cantonment, namely :—

- (a) the payment of any expenses directed by or under any enactment for the time being in force to be debited to the Fund;
- (b) the provision and maintenance of an office for the Cantonment Committee;
- (c) the payment of the salaries of all Cantonment establishments;
- (d) the survey of buildings and lands;
- (e) the management and improvement of lands and other property placed by the Government under the management of the Cantonment Committee, including—
 - (i) the construction and maintenance of roads (other than those maintained from Imperial or Provincial Funds);
 - (ii) the lighting, watering, and cleansing of roads; and
 - (iii) the maintenance of public parks and gardens and the planting and tending of trees;
- (f) the provision and maintenance or aiding of public hospitals and dispensaries;
- (g) the provision and maintenance of public markets and slaughter-houses;
- (h) the carrying out of a proper system of conservancy throughout the Cantonment for all its inhabitants, other than classes of troops for whom conservancy is provided from public revenues other than the Cantonment Funds, including—
 - (iv) the pay of the public conservancy establishments;

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.*

- (v) the construction of public latrines and other conservancy works ; and
 - (vi) the purchase of all necessary conservancy carts, utensils, and other appliances ;
 - (i) the execution and management of proper systems of water-supply and drainage and of other sanitary measures, including public vaccination and the prevention of the spread of infectious or contagious disorders, and generally the maintenance of the Cantonment in a thoroughly sanitary condition ;
 - (k) the burial, burning, or other lawful disposal of the corpses of paupers and unknown persons ;
 - (l) the abatement of nuisances ;
 - (m) the taking of a census ; and
 - (n) generally, the payment of all expenses incurred—
 - (vii) under any rules made under section 26 of the Cantonments Act, 1889, as applied to the Cantonment, or
 - (viii) under any enactment extended to the Cantonment under section 25 of the Cantonments Act, 1889, as applied to the Cantonment, or
 - (ix) under any other law for the time being in force.
- (2) The Cantonment Fund may, with the general or special sanction of the Resident, be applied to any of the purposes mentioned or referred to in clauses (a) to (n), both inclusive, of this rule beyond the limits of the Cantonment in cases in which, in the opinion of the Resident, the application of the Fund beyond those limits is for the benefit of the inhabitants of the Cantonment or of any military force ordinarily quartered therein or of any detachment of any such force.

Estimates and Sanctions.

Money not to be paid unless expenditure sanctioned.

2. No money shall be paid from the Cantonment Fund unless the expenditure is either—

- (a) provided for in the sanctioned budget-estimate or by re-appropriation under rule 5, or
- (b) sanctioned by the Resident on the recommendation of the Cantonment Committee, and
- (c) in the case of expenditure on public works, unless detailed estimates have been prepared and sanctioned.

3. The responsibility for administering the funds provided in the sanctioned budget-estimate or sanctioned under rule 2, clause (b), shall rest with the Cantonment Committee.

4. (1) On the first day of September in each year, or on such other date as the Resident may direct, the Cantonment Committee shall submit to the Comptroller, Hyderabad, in duplicate, a budget-estimate of the receipts (including the grant-in-aid, if any) into and expenditure from the Cantonment Fund for the ensuing financial year. A copy of the budget-estimate will also be sent by the Cantonment Committee to the Officer Commanding the district for submission to the General Officer of the Madras Command.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.*

Such estimate shall be framed in accordance with form 8 in the schedule or in such other form as may be from time to time prescribed by the Comptroller-General with the previous sanction of the Governor General in Council.

(2) The Comptroller, Hyderabad, should revise such estimates, and submit them to the Resident.

(3) The Resident may sanction such estimates with or without modification.

(4) The sanction of the Resident to such estimates shall be communicated—

(a) to the Cantonment Committee,

(b) to the Comptroller, Hyderabad, and

(c) to the General Officer of the Madras Command.

Re-appropriation.

5. (1) The Cantonment Committee may,—

(a) with the previous approval of the Resident, re-appropriate any sum from one major head of the budget-estimate to another after check of the re-appropriation statement by the Comptroller, Hyderabad, or

(b) re-appropriate any sum from one minor head or sub-head of the budget-estimate to another minor head or sub-head under the same major head.

(2) A copy of every order made under clause (a) or clause (b) of this rule shall be sent by the Resident or the Cantonment Committee, as the case may be, to the Comptroller, Hyderabad, and a copy of every order made under clause (a) shall be sent by the Resident to the General Officer of the Madras Command.

Payments.

Examination of and order for
payment of claims.

6. (1) Every claim for payment from the Cantonment Fund must be presented to the Secretary to the Cantonment Committee.

(2) The Secretary must check and examine every such claim, and, if it be found correct and supported by a voucher duly receipted, and, if necessary, bearing a stamp, shall sign an order for payment thereof.

(3) If payment is to be made from the imprest, the order for payment shall be "Pay in cash rupees (*in words*)"; if payment is to be made by cheque, such order shall be "Pay by cheque No. , dated , rupees (*in words*)," the blanks being filled up when the cheque is signed.

Payments how made.

7. Payments must be made,—

(a) if the sum does not exceed twenty rupees, in cash ; and

(b) if the sum exceeds twenty rupees, by cheque.

Cheque.

8. (1) Money may be drawn from the Cantonment fund only by means of cheques written in form 4 in the schedule.

(2) No cheque shall be current for more than three months from the date on which it was drawn.

After the expiration of that period payment will be refused at the treasury, and the person in whose favour the cheque was drawn will therefore have to bring it

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.*

back to be re-dated. No fresh cheque will be issued ; the lapsed cheque will simply be re-dated, and the alteration initialled by the Secretary to the Cantonment Committee. A note of the fact of re-dating shall be entered in the register of payments against the original transaction.

(3) All cheques must be signed by the Secretary to the Cantonment Committee.

(4) Cheques drawn in favour of a Government officer must be made payable to order, and cheques drawn in favour of any other person must be made payable to bearer.

(5) All cheque forms must be bound in books with counterfoils.

(6) Every such book must bear a number ; and the Secretary to the Cantonment Committee must notify to the treasury the number of the book which he from time to time brings into use.

(7) On each cheque form there shall be entered the number of the book in which the form is contained and a consecutive number.

(8) There shall be noted on the outside of each cheque book an order that the Secretary to the Cantonment Committee shall keep the book under lock and key in his personal custody. When the officer holding the appointment of Secretary is relieved, he must take a receipt for the number of cheques made over to his successor and must send to the treasury a specimen of his successor's signature.

9. (1) The Cantonment Committee shall, if it has not already done so, draw from the treasury a sum not exceeding three hundred rupees to form an imprest for the purpose of meeting petty payments.

(2) The amount of petty payments met out of the imprest must be recouped by cheque on the last day of each month, and, if necessary, during the month also, so that the full amount of the imprest, plus any sum received too late for remittance to the treasury on the last day of the month, will always be shown in the monthly accounts as being in the hands of the Cantonment Committee.

10. Overdrafts on the Cantonment Fund shall be allowed only if approved of and sanctioned by the Resident.

Overdrafts.*Receipts.*

11. (1) All money received for credit to the Cantonment Fund must be entered in a register of receipts kept in form 1 in the schedule, and, with the exception of grants-in-aid and fines, must be acknowledged by receipts in form 2 in the schedule.

(2) Such receipts must bear printed numbers in a consecutive series, and the number of each receipt must be entered in the second column of the register of receipts.

12. The Cantonment Committee shall be responsible for making such arrangements as will secure—

(1) that all money received for credit to the Cantonment Fund is duly brought to credit in the accounts ;

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.*

(2) that all money so received, with the exception of grants-in-aid and fines, is acknowledged by receipts in form 2 ; and

(3) that whenever a receipt is given, the foil and counterfoil are correctly filled up.

Account of the Imprest.

13. An account of the imprest shall be kept in form 6 in the schedule, and the expenditure recorded in it must be entered in a register of payments kept in form 5 in the schedule, when a bill for the recoupment of the amount is made out and the amount is drawn from the treasury by a cheque.

Bills for Expenditure.

14. (1) All expenditure must be entered in a bill of one of the following kinds, namely :—
Expenditure to be entered in bills.

- (a) Establishment Pay Bill—for the pay of members of the Cantonment establishment.
- (b) Travelling Allowance Bill—for travelling allowances of members of the Cantonment establishment ; and
- (c) Contingent Bill—for all charges other than pay and travelling allowances of members of the Cantonment establishment.

(2) Every Establishment Pay Bill must be prepared in Civil Account Code form.

(3) Every Travelling Allowance Bill must be prepared in Civil Account Code form.

(4) Every Contingent Bill must contain full details of the charges incurred.

Note.—Copies of Civil Account Code forms may be obtained on payment from the Residency Government Press.

15. (1) Claims for supplies or services by contractors or tradesmen must be paid on bills as presented by them.

(2) When such claims are paid by cheque, the payment must be entered at once in the register of payments (form 5), and when they are paid in cash, the payments must be entered in the imprest register (form 6).

When the bills for supplies or services by contractors or tradesmen are in the vernacular, a brief abstract should be endorsed in English, stating the amount, the name of the payee, and the nature of the payment.

16. (1) All petty charges to be met from the imprest must be entered in bills prepared in Civil Account Code form.

(2) Such bills must be supported—

- (a) in the case of all payments for telegrams and in the case of any other payment exceeding ten rupees, by the original vouchers on which the payments were actually made ; and

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.*

(b) in other cases, by a certificate that the receipts of the payees have, as far as possible, been obtained, and have been so destroyed, defaced or mutilated that they cannot be used again.

(3) The certificate referred to in clause (b) of this rule must be signed by the Secretary to the Cantonment Committee.

17. All charges incurred direct by the Cantonment Committee and paid by cheque must be entered in bills prepared in Civil Account Code form.

Charges incurred direct by Cantonment Committee.

Certificate on certain bills.

18. The following certificate must be recorded at the foot of every such bill prepared in the Civil Account Code form, namely :—

“I certify that the expenditure charged in this bill could not, with due regard to the interests of the Cantonment, be avoided. I have satisfied myself that the charges entered in this bill have been really paid.”

This certificate must be signed by the Secretary to the Cantonment Committee.

In the case of expenditure on public works the usual completion certificate will be furnished.

Entry of Cheques in Accounts.

19. All payments made by cheque must be entered in the register of payments (form 5), the vouchers being numbered in a monthly consecutive series.

20. If any cheque is cancelled, its amount must be deducted from the expenditure by a *minus* entry in the appropriate columns of the register of payments (form 5). The deduction will then pass into the cash book (form 7) through the daily total of payments carried into it.

Deduction of amount of cancelled cheques.

Accounts and Returns.

21. The Cantonment Committee shall keep a cash book in form 7 in the schedule. The cash book must be balanced monthly, and the balance shown in it must be reconciled with that shown in the pass book (form 3) as follows :—

Balance as per Pass Book	.	.	.	.	.	.	.	.	.
Add—									
Amount of imprest	.	.	.	.	.	.	.	.	.
Money received too late for remittance to treasury	.	.	.	.	.	.	.	.	.
								Total	.

Deduct—

Outstanding cheques as per details below :—

Balance as per Cash Book
--------------------------	---	---	---	---	---	---	---	---	---

Cheques outstanding on—

No.	Date	Amount.
		Total

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments.—2. (a)—Local Rules and Orders¹
under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*

22. (1) In the registers of receipts and payments (forms 1 and 5) the amounts sanctioned in the budget-estimate for the year must be entered at the top of columns for the heads for which separate estimates are made.

(2) If, during the year, or in any revised estimate that may be sanctioned for the year, any addition to, or alteration in, the estimates is made, it must be noted in the appropriate register in red ink with *plus* or *minus* signs, the orders for the addition or alteration being cited.

23. (1) At the end of each month the figures in the registers of receipts and payments (forms 1 and 5) must be added up, the totals up to the end of the last preceding month, being added to those of the month just expired and grand totals being made from the 1st April last preceding.

(2) If the grand total under any head in the register of payments shows that the budget grant is likely to be exceeded, application must at once be made for orders under rule 2, clause (3), or rule 5, as the circumstances may require, to cover the excess.

24. As soon as possible within fifteen days after the end of each month, the Documents to be sent to Comp- Cantonment Committee shall send to the Comp- troller, Hyderabad. troller, Hyderabad, for purposes of audit—

- (a) extracts from the registers of receipts and payments for the month prepared in the same detail as those registers, and showing the budget-estimates, each receipt and payment, the monthly totals, the totals to the end of the last preceding month, and the grand totals ;
- (b) the foils of all receipts granted during the month ;
- (c) all paid bills ;
- (d) all cancelled cheques (if any) ; and
- (e) a statement of the balances in the following form :—

Balance at end of last month	.	.	.	.	.	.	.	.	.
Receipts during the month, as per accompanying schedule	.	.	.	.	.	.	.	.	.
									Total
Expenditure during the month, as per accompanying schedule	.	.	.	.	.	.	.	.	.
Balance at the end of the month	.	.	.	.	.	.	.	.	.

Detail of balance—

Balance in treasury, as per Pass Book	.	.	.	.	.	.	.	.	.
Cash received too late for remittance to treasury	.	.	.	.	.	.	.	.	.
Imprest in hands of Cantonment Committee	.	.	.	.	.	.	.	.	.

*Deduct—*Outstanding cheques, as per details below

Net balance as above

Cheques outstanding on—
No. Date Amount.

Total

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹**
* under Acts—*contd.***Orders under the Cantonments Act, 1889—*contd.****Rules for the administration of the Cantonment Fund—contd.*

25. (1) The Cantonment Committee shall prepare annually a consolidated account showing the receipts into and payments from the Cantonment Fund, classified under the major heads, minor heads, and sub-heads contained in the monthly accounts.

(2) The total of the details under each head of receipts and payments, as given in the said consolidated account, must agree exactly with the figures appearing against the entry "From 1st April to date" under the same heads in the extracts forwarded to the Comptroller, Hyderabad, for the month of March last preceding.

(3) The said consolidated account shall be forwarded to the Comptroller, Hyderabad, who will agree the figures with his own classified abstract and then forward the account to the Resident with the following endorsement, namely :—

"Examined and found correct.

Signed ————— Comptroller, Hyderabad."

Classification.

26. (1) All receipts into, and expenditure from, the Cantonment Fund shall be classified in the monthly and annual accounts in accordance with form 8 in the schedule.

(2) All expenditure must be classified in the monthly accounts under the appropriate major heads, minor heads, and sub-heads with reference to the nature of the charge, whether specific budget provision exists or not; and no expenditure which from its nature properly falls under one of the other prescribed heads shall be classified under the head "Miscellaneous" on the ground that there is no specific budget provision for the charge.

The Cantonment Fund.

27. There shall be placed to the credit of the Cantonment Fund the following sums, namely :—

(a) all sums directed by section 21, sub-section (1), of the Cantonments Act, 1889, as applied to the Cantonment, or by or under any other enactment for the time being in force, to be placed to the credit of the Fund; and

(b) all grants-in-aid and other sums received by the Cantonment Committee in aid of the Fund.

Remittance to Treasury and Pass Book.

28. The Cantonment Committee shall remit to the Hyderabad Residency all moneys to be remitted to treasury all moneys received for credit to the Cantonment Fund.

29. (1) Remittances to the treasury should be made every Tuesday and Friday. Procedure for remittances to All moneys in hand on the last working day of each month must be remitted on that day.

(2) All remittances must be accompanied by a chalan or invoice and by a pass book in form 3 in the schedule.

(3) Whenever a remittance is made, the Officer in charge of the Treasury must acknowledge the receipt of the money by entries in the pass book and must enter on

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

**B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders¹
under Acts—*contd.***

Orders under the Cantonments Act, 1889—*contd.*

Rules for the administration of the Cantonment Fund—contd.

the charge side of the pass book particulars of cheques paid up to date as recorded in his register.

(4) The pass book must be sent to the treasury on the last working day of each month, whether or not there are any moneys to be remitted to the treasury on that day. The Officer in charge of the Treasury must then close the pass book for the month, and enter therein in words the balance in hand and sign the entry.

30. (1) The Cantonment Committee shall examine the pass book from time to time, and shall immediately call the attention of the Officer in charge of the Treasury to any discrepancy that may appear between the credits or debits shown therein and those shown in the Cantonment registers.

(2) The pass book shall be written up only by the Officer in charge of the Treasury or by some member of his establishment, and no entries or marks shall be made therein by the Cantonment Committee or by any member of the Cantonment establishment.

Establishments.

31. In determining or altering the strength or cost, or both, of any Cantonment establishment the Cantonment Committee must obtain the previous approval of the Resident :

Provided that any alteration which merely involves the employment of temporary establishments for a period not exceeding three months, may be made without such approval :

Provided also that every alteration shall be subject to the provisions of rules 2 and 5.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders
under Acts—*contd.*

Orders under the Cantonments Act, 1889—*contd.*

Rules for the administration of the Cantonment Fund—contd.

THE SCHEDULE.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments.—2. (a)-Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*

FORM 2.

(See Rules 11, 12 and 24.)

RECEIPT.

(To be retained in Cantonment Committee's Office.)

No. _____

Dated _____

Received from _____

on account of _____

(To be sent to the Comptroller, Hyderabad, with the monthly extracts from the accounts.)

No. _____, dated _____

Received on account of _____

(to be classified under the head) _____

R _____

Signed _____

Secretary, Cantonment Committee,

Sikandarabad.

(To be given to the person from whom the money is received.)

No. _____, dated _____

Received from _____

on account of _____

R _____

Signed _____

Secretary, Cantonment Committee,

Sikandarabad.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—2. (a)—Local Rules and Orders under Acts—*contd.*

Orders under the Cantonments Acts, 1889—*contd.*

Rules for the administration of the Cantonment Fund—contd.

FORM 4.

(See Rule 8.)

CANTONMENT FUND CHEQUE.

1 ONE-ANNA STAMP
if the cheque is for
an amount exceed-
ing twenty rupees.

Cheque Book No. _____

Cheque No. _____

Sikandarabad,

Dated _____ 189 .

To the Officer in charge of the Treasury at _____

Pay to _____

Rs. _____ and charge to the Sikandarabad Cantonment Fund.

Under

(Signed) _____

Secretary, Cantonment Committee.

This cheque is current for three months only.

¹ See now the Stamp Act, II of 1899, Schedule 1, Art., which is in force in this Cantonment in virtue of Notification No 1811-I.B., dated the 1st July, 1898, as amended by No. 1632-I., dated the 16th June, 1899,

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under
Acts—*contd.*

Orders under the Cantonments Act, 1889—*contd.*

Rules for the administration of the Cantonment Fund—contd.

THE SCHEDULE—*contd.*

FORM 5.

B.—British-Sikandarabad Enactments—

Rules for the administration of the

(See Rules 13, 15, 19,

[illegible]

B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under Acts—*contd.*

Rules for the administration of the Cantonment Fund—contd.

(GeoRules 13 and 15.)

IMPREST REGISTER OF THE SIKANDARABAD CANTONMENT FUND.

*Amount of Imprest, R*_____

Date.	No. of Sub-voucher.	To whom paid,	CLASSIFICATION.	Amount.
			Major Head.	Major Head and Sub-Head.
		Total drawn from treasury by Cheque No. _____ on Voucher No. _____		

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—

Orders under the Canton

Rules for the administration

FORM

(See Rules

BUDGET-ESTIMATE OF RECEIPTS INTO AND EXPENDITURE FROM THE

Heads of Receipt.	Actuals (previous year).	ESTIMATE (CURRENT YEAR).		Estimate (ensuing year).	REMARKS.
		Original, as sanctioned by the Local Government.	Revised.		
	Rs.	Rs.	Rs.	Rs.	
I.—Land Revenue—					
Income from Land					
II.—Excise—					
License Fees and Duties					
III.—Assessed Taxes—					
Taxes on Houses					
Tax on Trades and Professions					
Chaukidari Tax					
Octroi					
Miscellaneous (including Tax on Horses and Carriages)					
IV.—Police—					
Fees, Fines and Forfeitures					
Unclaimed Property					
Miscellaneous (including Cattle Pound Receipts)					
V.—Minor Departments—					
<i>Agriculture—</i>					
Public Gardens					
<i>Sanitation—</i>					
Conservancy Tax and Fees					
Sales of Manure, etc.					
<i>Water supply—</i>					
Water Rates					
Other Receipts					
VI.—Miscellaneous—					
Sales of old Materials					
Contributions (a) { Provincial and Local grants }					
{ Road watering subscriptions }					
Rents of Houses					
Sales of Fruit, Grass, etc.					
Other Miscellaneous Receipts (Slaughter-houses, Markets, etc.) to be detailed in manuscript on the back of this form					
VII.—Public Works—					
Tolls and Ferries					
Miscellaneous					
Total Receipts from local sources					
Opening Balance					
GRAND TOTAL					

(a) Purpose of any such contribution to be stated in remarks column.

CANTONMENT COMMITTEE'S OFFICE ; }
Dated 189 . }(Signed) _____
Secretary, Cantonment Committee

CHAPTER IV — THE CANTONMENT OF SIKANDARABAD—*contd.*2.-(a) Local Rules and Orders under Acts—*contd.*ments Act, 1888—*contd.*of the Cantonment Fund—*contd.*

8.

4 and 26.)

SIKANDARABAD CANTONMENT FUND FOR THE YEAR —. DATED — 189—.

Heads of Expenditure.	Actuals (previous year),	ESTIMATE (CURRENT YEAR).		Estimate (ensuing year).	REMARKS.
		Original, as sanctioned by the Local Government.	Revised		
	Rs.	Rs.	Rs.	Rs.	
1.—Refunds—					
Refunds of Taxes					
Miscellaneous Refunds					
2.—Charges of Collection of Revenue—					
Collecting Establishments					
Contingencies					
3.—General Administration—					
Establishments					
Contingencies					
Contributions towards Establishments in Government Offices .					
4.—Police—					
Miscellaneous (including cattle-pounds and Establishments therefor).					
—Medical—					
Hospitals and Dispensaries—					
Establishments					
Contingencies					
Vaccination—					
Establishments					
Contingencies					
5.—Minor Departments—					
Public Gardens, Tree-tending and Forests—					
Establishments					
Contingencies					
Cemeteries—					
Establishments					
Contingencies					
Conservancy—					
Establishments					
Contingencies					
Public Fairs and Exhibitions—					
Establishments					
Contingencies					
Water-supply—					
Establishments					
Contingencies					
7.—Miscellaneous—					
Rents, Rates and Taxes					
Petty Establishments					
Contingencies					
8.—Public Works—					
Original Works—					
Buildings					
Roads					
Other works					
Maintenance and repairs—					
Buildings					
Roads					
Other works					
Petty Construction and Repairs					
9.—Deposits and Advances—					
Total Expenditure					
Closing Balance					
GRAND TOTAL					

(Signed)

President, Cantonment Committee.

B.—British-Sikandarabad Enactments—2.-(a) Local Rules and Orders under Acts—*contd.*

Orders under the Cantonments Act, 1889—*contd.*

Rule for the Administration of the Cantonment Fund—contd.

FORM 8.—APPENDIX A.

DETAILED LIST OF ESTABLISHMENTS PROVIDED FOR IN THE SIKANDARABAD CANTONMENT FUND BUDGET-ESTIMATE FOR THE YEAR.

ESTABLISHMENTS ENGAGED IN COLLECTION OF REVENUE.		ESTABLISHMENTS ENGAGED IN GENERAL ADMINISTRATION,		CATTLE POUND ESTABLISHMENTS.	
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.

HOSPITAL AND DISPENSARY ESTABLISHMENTS.		VACCINATION ESTABLISHMENTS.		ESTABLISHMENTS FOR PUBLIC GARDENS, TREE- TENDING AND FORESTS.		CEMETERY ESTABLISHMENTS.	
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly cost.

ESTABLISHMENT FOR PUBLIC FAIRS AND EXHIBITIONS.		WATER-SUPPLY ESTABLISHMENT.		MISCELLANEOUS PETTY ESTABLISHMENTS.			
Details.	Monthly cost.	Details.	Monthly cost.	Details.	Monthly Cost.		

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*FORM 8.—APPENDIX A—*contd.*

CONSERVANCY ESTABLISHMENT.

<i>General Station.</i>		<i>Latrines.</i>	
Details.	Monthly cost.	Details.	Monthly cost.

(Signed) _____
Secretary, Cantonment Committee.(Signed) _____
President, Cantonment Committee.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.-(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*

FORM 8.—APPENDIX B.

Detailed List of Expenditure provided for in the Sikandarabad Cantonment Fund Budget-estimate for the year *other than that included in Appendices A, C and D.*

1	2	3	4		
Major heads.	Minor heads and sub-heads	Details.	Total assign- ment in Cantonment Fund Budget- estimate.		
			Rs.	a.	p.
Refunds	Refunds of Taxes.				
	Miscellaneous Refunds.				
Charges of Collection of Revenue.	Contingencies.				
	Contingencies.				
General Administration.	Contributions towards Establishments in Government Offices.				

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*FORM 8.—APPENDIX B—*contd.*

1	2	3			4			
Major head.	Minor heads and sub-heads.	Details.			Total assign- ment in Cantonment Fund Bud- get-estimate			
			Rs.	a.	p.	Rs.	a.	p.
Police .	Miscellaneous (including Cattle-pounds but not estab- lishments therefor).					—	—	—
						—	—	—
Medical .	Hospitals and Dispensaries.					—	—	—
	Contingencies.	Fixed assignment to Canton- ment Dispensary Fund.				—	—	—

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2.-(a) Local Rules and Orders under Acts—*contd.***Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*FORM 8.—APPENDIX B—*contd.*

1	2	3			4			
Major head.	Minor heads and sub-heads	Details.			Total assign- ment in Cantonment Fund Bud- get-estimate.			
			Rs.	a.	p.	Rs.	a.	p.
Medical	<i>Vaccination.</i>							
	Contingencies.							
Minor Departments.	<i>Public Gardens, Tree-tending and Forests.</i>							
	Contingencies.							
	<i>Cemeteries.</i>							
	Contingencies.							

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*FORM 8.—APPENDIX B—*contd.*

1	2	3			4		
Major head.	Minor heads and sub-heads	Details.			Total assignment in Cantonment Fund Budget-estimate.		
					Rs.	a.	p.
Minor Departments— <i>contd.</i>	Conservancy. Contingencies.						
	Public Fairs and Exhibitions. Contingencies.						
	Water-supply. Contingencies.						

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*FORM 8.—APPENDIX B—*concl'd.*

1	2	3			4		
Major head.	Minor heads and sub-heads.	Details.			Total assign- ment in Cantonment Fund Budget- estimate.		
			Rs.	a.	p.	Rs.	p.
Miscellaneous	Rents, Rates and Taxes.						
	Contingencies.						
Deposits and Advances.	...						

(Signed) _____

Secretary, Cantonment Committee.

(Signed) _____

President, Cantonment Committee.

Note.—All expenditure should be fully detailed in column 3, thus—

	R	a.	p.
Purchase of three Crowley carts	.	.	.
Feed of bullocks	.	.	.
Feed of "	.	.	.
Repairs and renewals to pans and receptacles	.	.	.
Purchase of gear	.	.	.
*Miscellaneous, not included in but excluding any reserve	.	.	.
	968	0	0

* This should include all petty expenditure which cannot be detailed, but should not include anything of the nature of a reserve.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.—(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*

MAJOR HEAD—"PUBLIC WORKS."
 FORM 8.—APPENDIX C.
 DETAILS OF BUDGET-ESTIMATE FOR ORIGINAL WORKS (CONSTRUCTION OF BUILDINGS,
 ROADS, LATRINES, ETC.) IN THE SIKANDARABAD CANTONMENT FOR THE YEAR—

1	2	3	4	5	6
Sub-heads.	Name of each work.	Estimated cost of work.	* Estimate for (current year).	Previously expended.	Estimate for (ensuing year)
Building . . .					
Roads . . .					
Other works . . .					

Note.—Column 3 will show the entire cost of the work; column 4, the sum sanctioned for expenditure during the current year; column 5, the amount previously expended since commencement of the work; and column 6, the amount proposed for expenditure during the ensuing year. Thus, if the work is to be completed during the ensuing year, the total of columns 4, 5 and 6 will equal that in column 3; otherwise the difference will show the amount which will still be required to complete the work.

*The totals in column 4 will agree with the allotments made in the body of the revised estimate for the current year.

(Signed) _____
 President, Cantonment Committee.

(Signed) _____
 Secretary, Cantonment Committee.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.-(a) Local Rules and Orders under Acts—*contd.*Orders under the Cantonments Act, 1889—*contd.**Rules for the administration of the Cantonment Fund—contd.*

MAJOR HEAD—"Public Works."
 FORM 8—APPENDIX D.
 DETAILS OF BUDGET-ESTIMATE FOR MAINTENANCE AND REPAIRS IN THE SIKANDARABAD CANTONMENT FOR THE YEAR—.

Sub-heads.	Nature of each work.	Estimate (ensuing year).	Remarks.
Buildings			
Roads			
Other works			
Petty Construction and repairs .			

(Signed)

Secretary, Cantonment Committee.

(Signed)

President, Cantonment Committee.

[See Gazette of India, 1898, Pt. I, p. 828.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Cantonments Act, 1889—*contd.****Application of the British-Indian Contagious Diseases Rules.*

No. 1290-I.A., dated the 13th May, 1898.—In exercise of the powers conferred by sections 26 and 27 of the Cantonments Act, 1889 (XIII of 1889), as applied to the Cantonments of Sikandarabad, *Mhow, Neemuch and Deesa* by the Notifications of the Government of India in the Foreign Department, Nos. 1374—1377-I., dated the 25th April, 1890, respectively, and to the Cantonments of *Nowgong, Baroda and Bhuj* by the notifications of the Government of India in the Foreign Department, No. 5024-I., dated the 24th December, 1891, No. 1977-I., dated the 5th May, 1891, and No. 2840-I., dated the 9th July, 1891, respectively, the Governor General in Council is pleased to declare that the rules made under the said Act for all cantonments in British India and published with the Notification of the Government of India in the Military Department,² No. 1148 (Judicial), dated the 15th October, 1897, shall be in force in the Cantonments of Sikandarabad, *Mhow, Neemuch, Deesa, Nowgong, Baroda and Bhuj, respectively.*

[See *Gazette of India*, 1898, Pt. I, p. 474.]

No. 1097-I.A., dated the 28th April, 1899.—In continuation of the Notification of the Government of India in the Foreign Department, No. 1290-I.A., dated the 13th May, 1898, and in exercise of the powers cited therein, the Governor General in Council is pleased to apply the rule made for all cantonments in British India and published with the Notification of the Government of India in the Military Department,³ No. 229 (Judicial), dated the 3rd March, 1899, to the Cantonments of Sikandarabad, *Mhow, Neemuch, Deesa, Nowgong, Baroda and Bhuj, respectively.*

[See *Gazette of India*, 1899, Pt. I, p. 277.]

Appointment of a District Magistrate, Sessions Court and High Court.

* *No. 133-I.J., dated the 24th June, 1881.*—In exercise of the powers conferred upon him by section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Cantonment Magistrate of Sikandarabad with the powers of a Magistrate of the District, the First Assistant Resident at Hyderabad with the powers of a Court of Session,⁴ and the Resident with the powers of a High Court, within the limits of the Sikandarabad Cantonment for the purposes of the above section.

[See *Gazette of India*, 1881, Pt. I, p. 253.]

Assistant Cantonment Magistrate invested with power to try breaches of Rules and Regulations.

* *No. 136-I. J., dated the 24th June, 1881.*—In exercise of the powers conferred by section 28 of Act III of 1880, the Governor General in Council is pleased to invest the Assistant Cantonment Magistrate of Sikandarabad with power to try

¹ See also Chapter II *supra*, p. 33.

² See *Gazette of India*, 1897, Pt. I, p. 941.

³ See *Gazette of India*, 1899, Pt. I, p. 134.

⁴ This notification is kept in force by s. 2 (2) of Act XIII of 1889.

⁵ See also Resident's Notification No. 16, dated the 18th August, 1890, printed *infra*, p. 546.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹
under Acts—*contd.*****Orders under the Cantonments Act, 1889—*conold.****Assistant Cantonment Magistrate invested with power, etc.—conold.*

breaches of any rules or regulations made under section 25 of the said Act and applying to the said Cantonment.

[See *Gazette of India*, 1881, Pt. I, p. 25]

Delegation of powers under the Epidemic Diseases Act, 1897.

No. 7232-I.A., dated the 3rd April, 1899, printed supra, p. 405.

Orders under the Code of Criminal Procedure, 1898.*Confinement of juvenile offenders in the Poona Reformatory.*

No. 391, dated the 5th February, 1886.—The Hon'ble the President in Council is pleased to direct that, for the purpose of section 399 of the Code of Criminal Procedure, 1882, as applied to the Cantonment of Sikandarabad by Foreign Department Notification No. 1496-I.,² dated the 21st December, 1882, the Reformatory at Poona in the Presidency of Bombay shall be deemed to be a reformatory established for the confinement of persons under the age of 16 years sentenced in the said Cantonment to imprisonment.

[See *Gazette of India*, 1886, Pt. I, p. 62.]

Establishing a Court of Session and validating past proceedings.

³*No. 16, dated the 15th August, 1890.*—In exercise of the powers conferred by sections 7 and 9 of Act X of 1882 (The Code of Criminal Procedure) as applied to the Cantonment of Sikandarabad by Foreign Department Notification No. 1496-I., dated the 21st December, 1882, the Resident at Hyderabad is pleased, with the previous sanction of the Governor General in Council, to establish a Court of Session for the Cantonment of Sikandarabad, which shall be a Sessions division, and to appoint the First Assistant Resident to be the Judge of the said Court.

The Resident is also pleased, with the like sanction, to direct that all powers which may from time to time have been exercised by the First Assistant Resident as a Court of Session under the aforesaid Act for the said Cantonment shall be deemed to have been exercised in accordance with law.

This notification supersedes Foreign Department Notification No. 29, dated the 18th February, 1869, and the Resident's Notification No. 168, dated the 15th February, 1876, in so far as they relate to the criminal jurisdiction of the First Assistant Resident in respect of the Cantonment of Sikandarabad.

⁴ This Notification applies to all proceedings except proceedings against European British subjects or persons jointly charged with European British subjects.

[See *Hyderabad Residency Orders*, 1890, Pt. I, p. 147.]

Orders under the Indian Stamp Act, 1899.*Application of Notification remitting duty payable on memoranda of agreements made with the Public Works Department by contractors.*

No. 2038-I., dated the 20th May, 1889.—In exercise of the powers conferred by section 8 of the Indian Stamp Act, 1879, as extended to the Cantonment of Sikandar-

¹ See also Chapter II *supra*, p. 33

² This notification issued under the Code of Criminal Procedure, 1882 (Act X of 1882), and is kept in force by s. 2 (2) of Act V of 1898, see also similar notification under the Reformatory Schools Act, 1897 (VIII of 1897, printed *supra*, p. 82. Under that Act the age is 15 years.

³ This Notification is kept in force by s. 2 (2) of Act V of 1898.

⁴ Added by Notification N. 19, dated the 15th September, 1890. Hyderabad Residency Orders, 1890, Pt. I, p. 168.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*Orders under the Indian Stamp Act, 1899—*contd.**Application of Notification remitting duty, etc.—contd.*

abad by Foreign Department Notification ² No. 119-I.J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Notification ³ No. 1519, dated the 22nd March, 1889, of the Government of India, which has been issued in the Department of Finance and Commerce under the Indian Stamp Act, 1879, shall be deemed to apply to the Cantonment of Sikandarabad.

[See *Gazette of India*, 1889, Pt. I, p.299.]

Exempting debentures of the Cantonment Committee from stamp duty.

No. 2632-I., dated the 7th August, 1890.—Whereas the Cantonment Committee of Sikandarabad has paid into the Government Treasury the sum of Rs. 500 as composition for the stamp duty at the rate of one half per cent. chargeable on a sum of *halli sicca* rupees 1,00,000 which the said Committee was authorised to borrow and which has been raised by the issue of the undermentioned debentures :—

- No. 1, dated 20th December, 1889, at Rs. 2,100.
- Nos. 2 to 20, dated 20th December, 1889, at Rs. 1,000 each.
- Nos. 21 to 28, dated 20th December, 1889, at Rs. 500 each.
- No. 29, dated 20th December, 1889, at Rs. 200.
- Nos. 30 to 34, dated 20th December, 1889, at Rs. 100 each.
- Nos. 35 and 36, dated 20th December, 1889, at Rs. 1,000 each.
- Nos. 37 to 41, dated 20th December, 1889, at Rs. 100 each.
- Nos. 42 to 46, dated 20th December, 1889, at Rs. 500 each.
- Nos. 47 to 54, dated 21st January, 1890, at Rs. 1,000 each.
- Nos. 55 to 65, dated 21st January, 1890, at Rs. 500 each.
- No. 66, dated 21st January, 1890, at Rs. 400.
- Nos. 67 to 86, dated 21st January, 1890, at Rs. 500 each.
- Nos. 87 to 89, dated 21st January, 1890, at Rs. 100 each.
- Nos. 90 and 91, dated 21st January, 1890, at Rs. 1,000 each.
- Nos. 92 to 95, dated 21st January, 1890, at Rs. 500 each.
- Nos. 96 and 97, dated 7th February, 1890, at Rs. 5,000 each.
- Nos. 98 to 109, dated 7th February, 1890, at Rs. 1,000 each.
- Nos. 110 to 117, dated 7th February, 1890, at Rs. 500 each.
- Nos. 118 to 122, dated 7th February, 1890, at Rs. 1,000 each.
- Nos. 123 to 142, dated 7th February, 1890, at Rs. 500 each.

In exercise of the powers conferred by section 8 of the ⁴ Indian Stamp Act, I of 1879, as applied to the Cantonment of Sikandarabad by Foreign Department

¹ See also Chapter II *supra*, p. 33

² The Stamp Act, 1899 (II of 1899), is now in force in this Cantonment, see Notification No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1632-I. B., dated the 16th June, 1899, printed *supra* p. 39, and this notification is kept in force by s. 24 of the General Clauses Act, 1897 (X of 1897).

³ See *Gazette of India*, 1889, Pt. I, p. 174.

⁴ Repealed by the Indian Stamp Act, 1899 (II of 1899), which is now in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1632-I.B., dated the 16th June, 1899, printed *supra*, p. 3

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)¹—Local Rules and Orders² under Acts—*contd.*****Orders under the Indian Stamp Act, 1899—*contd.****Exempting debentures of the Cantonment Committee from stamp duty—contd.*

Notification No. 119-I. J., dated the 4th June, 1879, the Governor General in Council has exempted the abovementioned debentures from any stamp duty with which they might otherwise be chargeable, whether on issue, renewal, sub-division, or consolidation.

[See *Gazette of India*, 1890, Pt. I, p. 612.]

Application of Notification reducing and remitting the duty chargeable on certain instruments.

No. 1245-I., dated the 19th March, 1891—In exercise of the power conferred by section 8 of the Indian Stamp Act, I of 1879,³ as applied to the Cantonment of Sikandarabad by Foreign Department Notification No. 119-I. J., dated the 4th June, 1879, the Governor General in Council is pleased to direct that the Notification No. 5855, dated the 22nd November, 1889, issued by the Department of Finance and Commerce under the Indian Stamp Act, I of 1879, section 8, shall apply to the Cantonment of Sikandarabad, subject to the following modifications and with effect from the 1st September, 1891⁴ :—

- (1) In the first paragraph, for the words "British India" the words "the Cantonment of Sikandarabad" shall be read.
- (2) In the first schedule, articles 1, 3, 5, 7 and 8 shall be omitted.
- (3) In the second schedule, articles 1 (a) (b) (c) and (d), 2 (a), 5 (a) and (c), 6 (b) and (c), 7 (a) (e) (f) (g) (h) (j), 8 (a) (b) and (c), 11 and 12 (g) shall be omitted.

[See *Gazette of India*, 1891, Pt. I, p. 149.]

Remission of duty chargeable on copies of Registers and entries in Registers under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888.

No. 2038-I., dated the 18th May, 1892.—In exercise of the powers conferred by section 8 of the Indian Stamp Act (I of 1879), as applied to the Cantonment of Sikandarabad by the Notification of the Government of India in the Foreign Department, No. 119-I.-J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of the Notification of the Government of India in the Finance Department,⁵ No. 4345, dated the 19th October, 1891, shall apply to the Cantonment of Sikandarabad, subject to the following modifications :—

- (1) For the words "Act VI of 1886" in clause (1) read "the Sikandarabad Births, Deaths, and Marriages Registration Law, 1888."
- (2) For the words "under section 25 of the said Act," in clause (2) read "under section 24 of the said Law."
- (3) For the words "under section 35 of the said Act" read "under section 32 of the said Law."

[See *Gazette of India*, 1892, Pt. I, p. 315.]

¹ See also Chapter II *supra*, p. 38.

² Repealed by the Indian Stamp Act, 1899 (II of 1899) which is now in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1632-I.B., dated the 16th June, 1899, printed *supra*, p. 39.

³ See *Gazette of India*, 1889, Pt. I, p. 686.

⁴ As amended by Notification No. 8943-I., dated the 13th August, 1891, printed *supra*, p. 549.

⁵ See *Gazette of India*, 1891, Pt. I, p. 602.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Acts—*contd.*****Orders under the Indian Stamp Act, 1899—*contd.****Modification in Notification as to reductions and remissions of stamp duty.*

No. 1841-I., dated the 30th May, 1894—In exercise of the powers conferred by section 8 of the ¹Indian Stamp Act (I of 1879)² as applied to the Cantonment of Sikandarabad, by the Notification of the Government of India in the Foreign Department, No. 119-I.J., dated the 4th June, 1879, and in continuation of the Notification of the Government of India in the Foreign Department, No. 1245-I., dated the 19th March, 1891, the Governor General in Council is pleased to direct that the following further modification shall be made in the Notification of the Government of India in the Finance Department, No. 5855, dated the 22nd November 1889, as applied to the Cantonment of Sikandarabad, namely :—

For articles 2 (b), 3 and 4 of the second schedule, the following shall be substituted, namely :—

"2.(b) *Bills of exchange* drawn in British India, Mysore, the Hyderabad Assigned Districts, or the Hyderabad Residency Bazars, on which the full rate of stamp duty has been paid there, when the same are negotiated in the Cantonment of Sikandarabad."

"3. *Bills of Lading* executed out of the Cantonment of Sikandarabad and relating to property to be delivered in the Cantonment of Sikandarabad."

"4. *Cheques* drawn in British India, Mysore, the Hyderabad Assigned Districts or the Hyderabad Residency Bazars, on which the full rate of duty has been paid there, when the same are negotiated in the Cantonment of Sikandarabad."

[See *Gazette of India*, 1894, Pt. I, p. 298.]

Application of Notification indicating the manner in which stamp duty on baptismal, marriage and burial certificates shall be denoted

No. 1246-I., dated the 19th March, 1891.—In exercise of the power, conferred by section 9 of the Indian Stamp Act, I of 1879,³ as applied to the Cantonment of Sikandarabad by Foreign Department Notification No. 119-I.J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notification⁴ No. 2086, dated the 30th June, 1882, issued by the Department of Finance and Commerce under the aforesaid section, shall apply to the aforesaid Cantonment from the 1st September 1891.⁴

[See *Gazette of India*, 1891, Pt., I, p. 149.]

Amending certain Notification, as to dates of their commencement.

No. 3343-I., dated the 13th August, 1891.—In the Notifications of the Government of India in the Foreign Department which are enumerated in the schedule hereto annexed, for "1st May, 1891" read "1st September, 1891."

¹ See also Chapter II *supra*, p. 33.

² Repealed by the Indian Stamp Act, 1899 (II of 1899), which is now in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, as amended by Notification No. 1682-I.B., dated the 16th June, 1899, printed *supra*, p. 39, and this notification is kept in force by s. 24 of the General Clauses Act, 1897 (X of 1897).

³ See *Gazette of India*, 1882, Pt. I, p. 257.

⁴ As amended by Notification No. 3343-I., dated the 13th August, 1891, immediately following.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders' under Acts—*contd.*****Orders under the Indian Stamp Act, 1899—*concl.****Amending certain Notifications as to dates of their commencement—concl.***THE SCHEDULE.****NOTIFICATIONS.**

No. 1243-I.,	dated the 19th March 1891.	
„ 1244-I.,	ditto	ditto.
„ 1245-I.,	ditto	ditto.
„ 1246-I.,	ditto	ditto.
„ 1247-I.,	ditto	ditto.
„	*	*
„	*	*

[See *Gazette of India*, 1891, Pt. I, p. 476.]

Application of Finance Department Notification prescribing rules regarding the use of stamp labels.

No. 3656-I., dated the 3rd September, 1891.—In supersession of Foreign Department Notification No. 1248-I., dated the 19th March, 1891, and in exercise of the powers conferred by sections 9, 15, 17, 32, 51, and 56 of the ¹ Indian Stamp Act, I of 1879, as applied to the Cantonment of Sikandarabad by Foreign Department Notification No. 119-I. J., dated the 4th June, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the provisions of Finance Department Notification ⁴ No. 2170, dated the 22nd May, 1891, shall apply to the Cantonment of Sikandarabad, subject to the following modifications:—

Rule 1.—For “British India” substitute “the Cantonment of Sikandarabad,” and for “date of this notification” substitute “1st September, 1891.”

Rule 4 (a), (2).—For the words “one of the officers mentioned in rule 10 (b) or by the Superintendent of Stamps, Calcutta,” read “the officer mentioned in rule 10.”

Rule 8.—For the words “Superintendent of Stamps at Calcutta, Bombay, Madras, Rangoon, or Lahore, or by the Commissioner of Stamps at Allahabad” substitute “Superintendent of Stamps, Hyderabad.”

Rules 9 (20)—12 (a),—15 (a).—For “British India” read “the Cantonment of Sikandarabad.”

Rule 10.—For this rule substitute the following:—

“The Superintendent of Stamps, Hyderabad, is empowered to affix these labels to the instruments mentioned in rule 9.”

Rule 11 (a).—For the words “every such officer” substitute “the Superintendent of Stamps, Hyderabad.”

Rule 11 (b).—Omit the last two clauses commencing with “in Calcutta” and ending with “from Lahore” and for the words “Local Government” substitute “Resident at Hyderabad.”

Rule 12 (b).—Omit the words “unless he be the Collector of Calcutta or Karachi.”

For the words “one of the officers mentioned in rule 10” substitute “the Superintendent of Stamps, Hyderabad.”

Rule 15.—Omit clause (c).

[See *Gazette of India*, 1891, Pt. I, p. 530.]

¹ See also Chapter II *supra*, p. 33.

² No. 1248 is omitted, as the notification was repealed by Notification No. 3656-I., dated the 3rd September, 1891, immediately following.

³ Repealed by the Indian Stamp Act, 1899 (II of 1899), which is now in force in this Cantonment: in virtue of Notification No. 1811-I B., dated the 1st July, 1898, as amended by Notification No. 1632-I. B., dated the 26th June, 1899, printed *supra*, p. 39. These notifications are kept in force under s. 24 of Act X of 1897.

⁴ See *Gazette of India*, 1891, Pt. I, p. 281.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2 (b)-Local Rules and Orders¹ under Special Local Laws.****Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888.**

No. 714-I. dated the 28th February, 1890—The Governor General in Council is pleased to publish the following rules made under sections 25, 27 and 33 of the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—

1. In these rules, unless there is something repugnant in the subject or context—

(1) “the Law” means the Secunderabad Births, Deaths and Marriages Registration Law, 1888 :

(2) “schedule” means a schedule to these rules :

(3) “Registrar-General” and “Registrar” mean, respectively, a Registrar-General of Births, Deaths and Marriages and a Registrar of Births, and Deaths appointed under the Law : and

(4) “sign,” used with reference to a person who is unable to write his name, includes mark.

2. Notices of births and deaths shall be in the forms set forth in Schedule A and Schedule B respectively.

3. Every such notice shall be signed by the person giving it, and shall specify the capacity in which the person claims to be authorized to give it.

4. Every such notice shall ordinarily be presented to the Registrar for the local area in which the birth or death occurred within three months of the date of the birth or death to which it refers, as the case may be :

Provided that the Registrar may, of his own authority, for any reason which he considers sufficient, accept notice of a birth or death at any time within six months from the date of its occurrence, and with the special sanction in writing of the Registrar-General after that time.

5. An appeal against an order of a Registrar refusing to register a birth or death on any other ground than that referred to in proviso (a) to section 18 of the Law shall lie to the Registrar-General, who may, in his discretion, either confirm the order of the Registrar, or direct him to register the birth or death.

6. Registers of births and deaths shall be kept in the forms set forth in Schedule C and Schedule D respectively.

7. When a birth or death has occurred during a journey, or when the person giving notice of a birth or death was compelled by duty, or urgent necessity, or unavoidable accident, to leave the local area in which such birth or death occurred so soon after its occurrence that he was unable to give the prescribed notice to the Registrar for that local area, any Registrar may receive notice of such birth or death and register the same as if it were a birth or death which had occurred within the local area for which he has been appointed.

¹See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (a)-Local Rules and Orders¹ under Special Local Laws—*contd.*Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.*

8. The provisions of Rule 4, as to the time within which notice of a birth or death must be given, shall apply to every notice of a birth or death given under the circumstances described in the last foregoing rule.

9. In every case of a birth or death admitted to registration under rule 7, the Registrar to whom the notice of the birth or death is given shall record in his register the reason why the notice was not given to the Registrar of the local area within which the birth or death occurred, and shall within one week from the date of the registration of the birth or death forward to the Registrar-General, and to the Registrar of the local area within which the birth or death occurred, a copy of the entry in the register relating to the birth or death.

Every Registrar shall paste into a book kept by him for the purpose all copies of entries received by him under this rule, and the book containing the copies shall be, at all reasonable times, open to inspection by any person desiring to inspect it.

10. Every certificate of registration of a birth or death given by a Registrar under section 22 of the Law shall be in the form set forth in Schedule E.

11. At the foot of every copy of an entry given under section 9 or section 24 of the Law, there shall be written a certificate, dated and subscribed by the Registrar-General or officer authorized under section 9, or by the Registrar, as the case may be, that the copy is a true copy of the entry.

12. Every Registrar shall keep, in the form set forth in Schedule F, a register of all certificates of registration and copies of entries given by him.

The Registrar-General shall keep register in a similar form of all copies given by him of entries in the certified copies of the registers sent to his office.

13. The copies of entries of births and deaths which Registrars are required by section 23 of the Law to send to the Registrar-General shall be certified in the form set forth in Schedule G, and shall be sent at intervals of three months, on or as nearly as possible after the 1st January, April, July, and October in each year.

Should no entries be made in a register during the preceding three months a certificate to this effect shall be sent to the Registrar-General.

14. The indexes which are required by section 7 of the Law to be made of the certified copies of registers of births, deaths and marriages sent to the office of the Registrar-General shall be in the forms set forth in Schedule H, Schedule I and Schedule J, respectively.

Every entry in an index shall be made alphabetically with reference to the initial letter of the name of the person indicated by the entry.

In the index of certified copies of entries of marriages, the names of both the husband and the wife must be indexed.

In the case of a person of European descent, the initial letter will be the first letter of the surname; and in the case of any other person, the first letter of his name, and not that of his rank, title or class.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (b)-Local Rules and Orders¹ under Special Local Laws—*contd.*****Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.***

15. A Registrar may, of his own motion, correct, in manner prescribed in section 27 of the Law, any error in form made in an entry of a birth or death in a register of births or register of deaths kept by him under the Law.

In every case in which an entry is corrected under this rule, intimation thereof shall (if practicable) be communicated, within one week from the date of the correction being made, to the person who gave the notice of the birth or death.

16. When an error in substance in any entry of a birth or death in a register of births or register of deaths is asserted to have been made, the Registrar may correct the error, in manner prescribed in section 27 of the Law, on application made in writing, and signed in the presence of two witnesses attesting the signature, by any person authorised under section 19 or 20, as the case may be, to give notice of the birth or death to which the entry relates :

Provided that the Registrar is satisfied that the application is well founded.

An appeal against an order of a Registrar under this rule refusing to correct an asserted error in an entry in a register shall lie to the Registrar-General, who may, in his discretion, either confirm the order of the Registrar, or direct him to correct the error.

17. Without the special sanction in writing of the Registrar-General, an application for the correction of an entry in a register of births or register of deaths shall not be entertained after the expiration of one year from the date on which the notice of the birth or death was given.

18. The sums specified in Schedule K shall be the fees payable under the sections of the Law there referred to :

Provided that soldiers and non-commissioned officers of Her Majesty's Regular Forces, and all seamen, shall be exempted from the payment of any fees.

²19. The Registrar-General and every Registrar who is a Government servant and not a Minister of Religion, shall keep a register, in the form set forth in Schedule L, of all fees realized under these rules, and shall forward such fees at the end of each month to the nearest treasury to be credited to Government. The Treasury Officer shall give each Registrar a certificate of the amount so credited, and the Registrar shall send a copy of the certificate to the Registrar-General. Registrars who are not Government servants or who are Ministers of Religion may retain for their own use any fees which they may realize under these rules.

SCHEDULES.**SCHEDULE A.***Notice of a birth.**(Rule 2.)*

To the Registrar of Births and Deaths for (*local area or class*).

I, A.B. (*name, description and residence*) being (*here state the capacity in which the person claims to be authorised to give the notice*), hereby give notice, for the purposes of section 18, Sikandarabad Births, Deaths and Marriages Registration

¹ See also Chapter II *supra*, p. 33.

² Rule 19 was substituted for the original rule by Notification No. 024-I., dated the 29th November, 1894, see *Gazette of India*, 1894, Pt. I, p. 640.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2.(b)-Local Rules and Orders¹ under Special Local Laws—*contd.*Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.*

Law, 1888, that on (*date*) at (*place*) I, *A.B.* or my wife, *C. D.*, or *C. D.* (*namely and description*), was delivered of a....., and I request that the said birth may be registered.

Signature.

SCHEDULE B.

Notice of a Death.

(Rule 2.)

To the Registrar of Births and Deaths for (*local area or class*).

I, *A.B.* (*name, description and residence*), being (*here state the capacity in which the person claims to be authorised to give the notice*), hereby give notice, for, the purposes of section 18, Sikandarabad Births, Deaths and Marriages Registration Law, 1888, that on (*date*) at (*place*) my (*state relationship*) *C.D.* (*name and description*), or *C.D.* (*name and description*), died of....., and I request that the said death may be registered.

Signature.

SCHEDULE C.

Register of Births.

(Rule 6.)

1. Serial number.
2. Date of birth.
3. Place of birth.
4. Name if any.
5. Sex.
6. Name, race, religion and occupation of father.
7. Name, race and religion of mother.
8. Signature, description and residence of person giving notice.
9. Signature, description and residence of mother and person acknowledging himself to be father. [*Column only to be used in the case referred to in section 18 proviso (b), and section 21, sub-section (3).*]
10. Reason why notice was not given to Registrar within whose local area birth occurred. (*Column only to be used in the case of a birth registered under rule 7*)
11. Date of registration.
12. Signature of Registrar.
13. Rectification of error in entry.

SCHEDULE D.

Register of Deaths.

(Rule 6.)

1. Serial number.
2. Date of death.

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*B.—British-Sikandarabad Enactments—2. (b)—Local Rules and Orders¹ under Special Local Laws—*contd.*Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.*

- 3 Place of death
4. Name, sex, race, religion and occupation of deceased.
5. Name, race, religion and occupation of parents of deceased.
6. When deceased was a married woman or a widow, name, race, religion occupation of her husband or late husband.
7. Age of deceased.
8. Cause of death.
9. Signature, description and residence of person giving notice.
10. Reason why notice was not given to Registrar within whose local area death occurred (*Column only to be used in the case of a death registered under rule 7.*)
11. Date of registration.
12. Signature of Registrar.
13. Rectification of error in entry.

SCHEDULE E.

Certificate of Registration of Birth or Death.

(Rule 10.)

Certified that I have this day registered the birth (*or death*) to which the entry in the Register of Births (*or Deaths*), of which a true copy is above written, relates.

Dated the of

A. B.,

Registrar of Births and Deaths
for (*local area or class*).

SCHEDULE F.

Register of Certificates of Registration or Copies of Entries granted.

(Rule 12.)

1. Serial number.
2. Name and residence of person applying for certificate or copy.
3. Date of application.
4. Nature of certificate or copy granted.
5. Date of grant of certificate or copy.
6. Fee paid.
7. Initials of Registrar.
8. Remarks.

SCHEDULE G.

Certificate of truth of Copies of entries sent to Registrar-General.

(Rule 13.)

Certified that the above, which contains entries from No. regarding
No. regarding , is a true copy of all

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (b)-Local Rules and Orders¹ under Special Local Laws—*contd.*****Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*contd.***

the entries in the Register of Births (or Register of Deaths, as the case may be kept by me for the three months ending the day of , 18 .

Dated the of

(Signature)

Registrar of Births and Deaths

for (local area or class).

SCHEDULE H.*Index of Certified Copies of Registers of Births.*

(Rule 14.)

Name and sex.

Father's name.

Date.

Place.

Reference to certified copy of register.

SCHEDULE I.*Index of Certified Copies of Registers of Deaths.*

(Rule 14.)

Name and sex.

Father's name.

Date.

Place.

Reference to certified copy of register.

SCHEDULE J.*Index of Certified Copies of Entries of Marriages.*

(Rule 14.)

Name of (husband) (wife).

Date.

Place.

Reference to certified copy of entry.

SCHEDULE K.*Fees leviable under sections 8, 22 and 24 of the Law.*

(Rule 18.)

	R	A.	P.
(i) Under section 8 for inspection of indexes in the office of a Registrar-General—			
(a) For the first year	1	0	0
(b) For every additional year, four annas up to a maximum for one inspection of	5	0	0

¹ See also Chapter II *supra*, p. 33.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.***B.—British-Sikandarabad Enactments—2. (b)-Local Rules and Orders' under Special Local Laws—*contd.*****Rules under the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*concl'd.***

	R	A.	P.
(ii) Under section 8 for each copy of an entry in a certified copy of a register in the office of a Registrar-General	1	0	0
(iii) Under section 22 for a certificate of a registration of birth or death	1	0	0
(iv) Under section 24 for search in a register of births or deaths—			
(a) For the first year	1	0	0
(b) For every additional year, four annas up to a maximum for one search of	5	0	0
(v) Under section 24 for each copy of an entry given by a Registrar	1	0	0

SCHEDULE L.*Register of Fees.**(Rule 19.)*

1. Serial number.
2. Date of receipt.
3. From whom received.
4. On what account received.
5. Section of the Law under which chargeable.
6. Amount of fee.
7. Signature of Registrar-General or officer authorised under section 9 of the Law (*or Registrar, as the case may be*).
8. Signature of treasury official and date of receipt in treasury.
9. Remarks.

FOOTNOTE.

In cases in which a person is unable to attend at the Registrar's Office and desires the Registrar's presence at his private residence for the purposes of section 21 of the Law, a fee of ₹10 is. under the orders of the Government of India, to be charged for every attendance, and in addition to such fee, a sum equal to the travelling allowance to which an officer of the 1st class would be entitled under the Civil Travelling Allowance Code in respect of the distance to be traversed by road, or by rail, or otherwise, as the case may be.

The fee of ten rupees is to be credited to the Government, and the travelling allowance may be appropriated by the Registrar, who will receive no travelling allowances from the Government.

[See *Gazette of India*, 1890, Pt. I, p. 178.]

Fees payable under section 32 (1) of the Sikandarabad Births, Deaths and Marriages Registration Law, 1888.

No. 1259-I., dated the 18th April, 1895.—In continuation of the Notification by the Government of India in the Foreign Department, No. 714-I., dated 28th February, 1890, the Governor General in Council is pleased to publish the following Rules under section 33 (a) of the Sikandarabad Births, Deaths, and Marriages Registration Law, 1888 :—

1. The following fees shall be payable under section 32 (1) of the said Law namely :—

	R	A.	P.
For inspection of the descriptive list of registers or records delivered to the Registrar-General by Commissioners appointed under chapter V of the said Law	1	0	0
For each copy of an entry in any register or record described in the abovementioned descriptive lists	1	0	0

¹ See also Chapter II *supra*, p. 53.

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*contd.*

B.—British-Sikandarabad Enactments—2. (b)-Local Rules and Orders under Special Local Laws—*concl'd.*

Fees payable under section 32 (1) of the Sikandarabad Births, Deaths and Marriages Registration Law, 1888—*concl'd.*

Provided that soliders and non-commissioned officers of Her Majesty's Regular Forces and all seamen shall be exempted from the payment of the foregoing fees, when the same are payable to a Registrar-General or a Government servant who is not a Minister of Religion.

2. When fees payable under the foregoing rule are received by a Registrar-General or any person being a Government servant and not a Minister of Religion, having the custody of any such registers or records as aforesaid, they shall be entered in a register and otherwise treated as if they were fees realized under the rules published under the notification No. 714-I., dated 28th February, 1890, above referred to. When such fees are received by any other person, they may be retained by such person.

[See *Gazette of India*, 1895, Pt. I, p. 290.]

CHAPTER IV.—THE CANTONMENT OF SIKANDARABAD—*concl'd.*

SUPPLEMENTARY NOTE.

Execution of decrees between the Civil Courts subordinate to Resident.—
The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad has been arranged under directions issued by the Resident in 1871 and 1878.

CHAPTER V.—THE HYDERABAD CONTINGENT STATIONS.

CHAPTER V.

THE HYDERABAD CONTINGENT STATIONS.

I. The Hyderabad Contingent Stations generally.

II. Particular stations.—

- (1) The Cantonment of Aurangabad.
- (2) The Cantonment of Bolaram.
- (3) The Cantonment of Hingoli.
- (4) The Cantonment of Jalna.
- (5) The Cantonment of Mominabad.
- (6) The Cantonment of Raichur.

[These are the Stations within the territories administered by His Highness the Nizam occupied by the Hyderabad Contingent.

The Cantonments of Ellichpur and the Stations of Akola and Amraoti, also occupied by the Contingent, are within the Hyderabad Assigned Districts, for enactments in force in them, see Chapters II and III.]

CHAPTER V.—THE HYDERABAD CONTINGENT STATIONS.—*contd.*

CHAPTER V—*contd.*THE HYDERABAD CONTINGENT STATIONS—*contd.*

I.—THE CONTINGENT STATIONS GENERALLY.

The British enactments in force locally in the Contingent Stations generally consist of—

A.—British-Indian Enactment, namely—

Local Order under an Act in force generally in all Native States.

B.—British-Hyderabad Contingent Stations Enactments, namely,—

1. Local Laws made by the Governor General in Council.

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.¹

2. Local Rules and Orders under—

(a) British-Indian Enactments locally applied.

(b) Special Local Laws.

¹ Some of the laws entered under this head are styled Rules, but they are all of the nature of principal rather than subsidiary enactments [see Preface to the first edition].

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS GENERALLY.

A.—British-Indian Enactment.

LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES IN INDIA.

Act.	Section.	Subject of Notification.	Reference.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13	Appointing the Superintendents of Police of each of the Contingent Stations to be Registrars of Births and Deaths with reference to s. 11 (1) (b) for each of those stations and a Registrar-General for all the stations.	No. 3031-I., date the 22nd July, 1891. [Printed <i>infra</i> , p. 591.]

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS GENERALLY
—*contd.**B.—British-Hyderabad Contingent Stations Enactments.*

1.-(a) BRITISH-INDIAN ENACTMENT LOCALLY APPLIED.

Act.	Extent of application.	Reference.
Indian Articles of War (Act V of 1869).	Applicable to the Hyderabad Contingent only.	No. 1382-I., dated the 17th December, 1897. [Printed <i>infra</i> , p. 591.]

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS GENERALLY —contd.

B.—British-Hyderabad Contingent Stations Enactments.

1.-(b) SPECIAL LOCAL LAWS.¹

When made.	Subject.	Notification.	Reference.
1878	Regulations in respect of the Police establishment and their duties.	<i>Order No. 26, dated 15th July, 1878, issued under the sanction of the Resident.</i>	These Regulations are not considered of sufficient importance to be set out <i>in extenso</i> .
1879	Institution and Regulation of Field Bazars.	<i>Resident's G. O. in the Military Department, No. 242, dated 22nd November, 1879, republished under No. 176, dated the 4th June, 1892.</i>	These rules are not considered of sufficient importance to be set out <i>in extenso</i> . [See <i>Hyderabad Residency Orders</i> , 1892, Pt. I, p. 125.]
1881	Glanders and Farcy Rules	<i>No. 266, dated 21st December, 1881.</i>	[Printed <i>infra</i> , p. 592.]
1889	Prescribing a fee of two annas per diem for prisoners at the several stations of the Hyderabad Contingent dieted at the cost of Cantonment Funds with effect from the 1st September, 1889.	<i>No. 254, dated the 29th August, 1889.</i>	[Printed <i>infra</i> , p. 593.]
"	Directing that the Jail at Nagpur shall be deemed to be prison for the territories subject to the Resident at Hyderabad.	<i>No. 3723-I., dated the 30th September, 1889.</i>	[Printed <i>supra</i> , p. 361.]
1891	Procedure for the service of processes between the City and Suburban Courts and the District Courts in the Hyderabad Contingent Stations.	<i>No. 10, dated the 2nd March, 1891.</i>	[Printed <i>infra</i> , p. 593.]
1895	Empowering the Cantonment Committees to impose certain taxes within these stations.	<i>No. 3446-I., dated the 17th October, 1895.</i>	[Printed <i>infra</i> , p. 593.]
1896	Rules for the regulation of nuisances.	<i>No. 1678-I., dated the 23rd May, 1896.</i>	[Printed <i>infra</i> , p. 595.]
1897	<i>Declaring that all sums received in these stations on account of taxes from the 1st April, 1896, to the 31st March, 1897, shall be deemed to have been lawfully received.</i>	² <i>No. 2493-I.B., dated the 30th June, 1897.</i>	See <i>Gazette of India</i> , 1897, Pt. I, p. 591.

¹ See also Chapter II, *supra*.

² These Rules purport to have been made under the Glanders and Farcy Act, XX of 1879, and although the Act has not been extended to these Cantonments, the rules were made for them under the sanction of the Government of India.

³ Spent. The Notification is therefore not reprinted.

CHAPTER VI.—THE HYDERABAD CONTINGENT STATIONS GENERALLY
—*contd.**B.—British-Hyderabad Contingent Stations Enactments.*1-(b) SPECIAL LOCAL LAWS¹—*concl'd.*

When made.	Subject.	Notification.	Reference.
1898	Rules for the control of the manufacture, conversion, possession and sale of arms, ammunition and military stores in the Contingent Stations.	No. 2134-I.B., dated the 5th August, 1898.	[Printed <i>supra</i> , p. 462.]

¹See also Chapter II *supra*, p. 33.

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS GENERALLY

—contd.

B.—British-Hyderabad Contingent Stations Enactments.

2. (a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
Court Fees Act, 1870 (VII) of 1870.	20 (i) and (ii).	Rules as to fees for the service and execution of processes in the Judicial Commissioner's Courts and Subordinate Courts.	No. 80, dated the 22nd November, 1899. [Printed <i>supra</i> , p. 481.]
* Vaccination Act, 1880 (XIII of 1880).	20	Rules regulating vaccine operations in the Contingent Stations.	No. 59, dated the 1st December, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 422.]
* Probate and Administration Act, 1881 (V of 1881).	2	Authorizing all Deputy Commissioners in the Hyderabad Assigned Districts and the Assistant Cantonment Magistrate at Sikandarabad to receive applications for probate and letters of administration within these stations.	No. 51, dated the 25th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 251.]
² Epidemic Diseases Act, 1897 (III of 1897.)	2(3)	Delegation of powers under section 2 (1)	No. 1232-I.A., dated the 3rd April, 1897. [Printed <i>supra</i> , p. 405.]

¹ See also Chapter II *supra*, p. 33.

* These Acts are in force in the Contingent Stations in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² This Act is in force in these stations in virtue of Notification No. 443-I.A., dated the 4th February 1897, printed *infra*, p. 707.

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS GENERALLY —contd.

B.—British-Hyderabad Contingent Stations Enactments.

2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS¹.

When made.	Subject of Law.	Section.	Subject of Notification.	Reference.
1889	Hyderabad Contingent Bazar Regulations. ²	4	Rules for the formation of Cantonment Committees to administer Cantonment Funds in stations occupied by the Hyderabad Contingent.	<i>No. 193, dated the 20th August, 1888.</i> [See <i>Hyderabad Residency Orders</i> , 1888, Supplement, p. 95]
„	Ditto . .	„	Addendum to rule 1 of the above Rules.	<i>No. 210, dated the 14th September, 1888.</i> [See <i>Hyderabad Residency Orders</i> , 1888, Pt. I, p. 147.]
1892	Order for the maintenance of peace, etc.	4	Regulations for each of the Contingent Station Bazaars for the maintenance of good order, etc.	<i>No. 68, dated the 15th March, 1892.</i> [<i>Hyderabad Residency Orders</i> , 1892, Pt. I, p. 62.]
1896	Notification imposing taxes.	II (2)	Applying the Sikandarabad rules for the assessment and recovery of the tax on houses, buildings and lands in an adapted form.	<i>No. 24, dated the 23rd June, 1896.</i> [<i>Hyderabad Residency Orders</i> , 1896, Pt. I, p. 146.]

¹ See also Chapter II *supra*, p. 33.

² The Bazar Regulations have since been repealed in each of the Contingent Stations

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT.

CHAPTER V—*contd.*THE HYDERABAD CONTINGENT STATIONS—*contd.*

II (1).—THE AURANGABAD CANTONMENT.

The British enactments in force locally in this Cantonment, treated separately, consist of—

A.—British-Indian Enactment.

Local Order under an Act in force locally generally in all Native States.

B.—British-Aurangabad Cantonment Enactments.

1. Special Local Laws.

2. Local Rules and Orders under British-Indian Enactments locally applied.

CHAPTER V-II(1).—THE AURANGABAD CANTONMENT—*contd.**A.—British-Indian Enactment.*LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.¹

Act.	Section.	Subject of Notification.	Reference.
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	6	Appointing the Cantonment Magistrate of Aurangabad and Jalna being a European-British subject to be a Justice of the Peace within the Hyderabad State.	<i>No. 165 I., dated the 13th January, 1892.</i> [Printed <i>infra</i> , p. 598.]

¹ See also Section I of this Chapter.

CHAPTER V-II(1).—THE AURANGABAD CANTONMENT—*contd.**B.—British-Aurangabad Cantonment Enactments.*1. SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
1892	Orders respecting the maintenance of peace, etc., within the Aurangabad Cantonment and repealing the Bazar Regulations so far as they apply thereto.	<i>No 837-I, dated the 25th February, 1892.</i>	Printed <i>infra</i> , p. 602.
1895	Imposing a water-tax on all buildings and lands in the Aurangabad Cantonment.	<i>No 672-I., dated the 22nd February, 1895.</i>	Printed <i>infra</i> , p. 598.
„	Rules for the assessment and recovery of the water-tax on buildings and lands in the Aurangabad Cantonment.	<i>No. 673-I, dated the 22nd February, 1895.</i>	Printed <i>infra</i> , p. 598.
1897	Investiture of the Judicial Superintendent of Aurangabad with the powers of a Magistrate of the 1st class, as described in the Code of Criminal Procedure.	<i>No. 2370-I A, dated the 23rd June, 1897.</i>	Printed <i>infra</i> , p. 604.

¹ For Acts of the Governor General in Council and other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this chapter.

CHAPTER V-II(1).—THE AURANGABAD CANTONMENT—*contd.**B.—British-Aurangabad Cantonment Enactments.*2. LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
² Indian Registration Act, 1877 (III of 1877).	6	Declaring the Cantonments of Aurangabad, Jalna and Mominabad to be a district and each cantonment a sub-district for the purposes of the Act, and appointing an Inspector-General and a Registrar for the district.	<i>No. 262, dated the 4th July, 1894.</i> [Printed <i>infra</i> , p. 605.]
² Code of Criminal Procedure, 1898 (Act V of 1898).	12	Appointing the Superintendent of Police at Aurangabad to be a Magistrate of the 3rd class, in the Buldana District.	<i>No. 201, dated the 5th June, 1894.</i> [<i>Hyderabad Residency Orders</i> , 1894, Pt. I, p. 159.]
Ditto	32	Empowering the Superintendent of Police, Aurangabad to pass sentences of Whipping.	<i>No. 219, dated the 2nd July, 1892.</i> [<i>Hyderabad Residency Orders</i> , 1892, Pt. I, p. 146.]

¹ See also Chapter II *supra*, p. 33, and Section I of this chapter, both for other Local Rules and Orders under Acts and for those under Special Local Laws in force in this Cantonment

² These two Acts are in force in this Cantonment in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II(2).—THE BOLARAM CANTONMENT.

CHAPTER V—*contd.*THE HYDERABAD CONTINGENT STATIONS—*contd.*

II 2.—THE BOLARAM CANTONMENT.

The British enactments in force locally in this Cantonment, treated separately, consist of—

A.—British-Indian Enactments.

Local Rules and Orders under Acts in force generally in all Native States.

B.—British-Bolaram Enactments.

1. Special Local Laws.
2. Local Rules and Orders under—
 - (a) British-Indian Enactments locally applied.
 - (b) Special Local Laws.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT—*contd.**A.—British-Indian Enactments.*LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.¹

Act.	Section.	Subject of Notification.	Reference.
² Indian Income Tax Act, 1886 (II of 1886).	40	Authorizing the Cantonment Magistrate of Sikandarabad to exercise any and all the powers of a Collector as defined in the Act within the limits of the Bolaram Cantonment.	<i>No. 25, dated the 20th May, 1886.</i> [<i>Hyderabad Residency Orders</i> , 1886, Pt. I, p. 26.]
Births, Deaths and Marriages Registration Act, 1886.	13	Appointing the Cantonment Magistrate at Sikandarabad to be a Marriage Registrar with reference to section 11 (1) (b) and the Registrar-General of Births, Deaths and Marriages for Madras to be Registrar-General.	<i>No. 2714-I., dated the 14th August, 1890.</i> [Printed <i>supra</i> , p. 29.]

¹ See also Section I of this Chapter.² This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897) which is in force in these Stations in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT—*contd.**B.—British-Bolaram Enactments.*1. SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
1881	Empowering the Cantonment Magistrate of Sikandarabad to try all offenders within the limits of the Cantonments of Sikandarabad and Bolaram charged with a breach of the Opium Rules in force in the Nizam's Dominions.	<i>Resident's G. O. No. 18, dated the 17th September, 1881.</i>	Printed <i>supra</i> , p. 445.
1890	Directing that the Rules laid down in Foreign Department Notification ² No. 26, dated the 19th December, 1884, to regulate the reciprocal execution of civil decrees between the Nizam's Courts and certain British Courts in Sikandarabad and the Residency Bazaars, shall apply to the Cantonment Magistrate, Sikandarabad when exercising civil jurisdiction in the Bolaram Cantonment.	<i>No. 3316-I., dated the 3rd October, 1890.</i>	Printed <i>infra</i> , p. 606.
1892	Order respecting the maintenance of peace, etc., within the Bolaram Cantonment and repealing the Bazar Regulations so far as they apply thereto.	<i>No. 169-I., dated the 13th January, 1892.</i>	Printed <i>infra</i> , p. 606.
„	Rules for the receipt, custody and disbursement of the revenue of the Bolaram Cantonment and Abkari Funds.	<i>No. 141, dated the 5th May, 1892.</i>	Printed <i>infra</i> p. 607.

¹ For Acts of the Governor General in Council and other Special Local Laws in force in this Cantonment, see Chapter I, *supra*, and Section I of this Chapter.

² Printed *supra*, p.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT—*contd.**B.—British-Bolaram Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
² Indian Registration Act, 1877 (III of 1877).	6 and 7	Declaring that the Cantonment of Bolaram shall form a sub-district of the District of Sikandarabad and appointing the Head Clerk of the office of Superintendent of Police at Bolaram to be Sub-Registrar and that office the office of the Sub-Registrar.	<i>No 9, dated the 16th April, 1894.</i> [<i>Hyderabad Residency Orders</i> , 1894, P , p. 76]
Probate and Administration Act, 1881 (V of 1881).	2	Authorizing the Deputy Commissioners, Hyderabad Assigned Districts, and the Assistant Cantonment Magistrate, Sikandarabad, to receive applications for letters of administration and probate within the Cantonment.	<i>No. 51, dated the 25th July, 1899.</i> [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 251.]
Ditto	12	Investing the Superintendent of Police Bolaram with the powers of a Magistrate of the 3rd class in the Sikandarabad Cantonment.	<i>No. 12, dated the 16th May, 1891.</i> [<i>Hyderabad Residency Orders</i> , 1891, Pt. I, p. 110]
² Code of Criminal Procedure, 1898 (Act V of 1898).	37	Investing the Superintendent of Police, Bolaram, with power to hold inquests under section 174 of the Code within the Cantonment.	<i>No. 33, dated the 28th December, 1891.</i> [<i>Hyderabad Residency Orders</i> , 1891, Pt. I, p. 2.]

¹ See also Chapter II and Section I of this Chapter, *supra*.² These Acts are now in force in Bolaram in virtue of Notification No. 1811-I B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT—*concl'd.**B.—British-Bolaram Enactments.*2.-(b) LOCAL RULES AND ORDERS MADE UNDER SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Section of Law applied.	Subject of Notification.	Reference.
1899	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	9 (1)	Investing the Assistant Cantonment Magistrate of Sikandarabad with all the powers of a Deputy Commissioner and declaring that they shall be exercised, among other places, in the Bolaram Cantonment.	<i>No. 47, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 250.]</i>
"	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	4 (2)	Declaring the Cantonment of Bolaram to be comprised within the local limits of the jurisdiction of the Small Cause Court at Sikandarabad.	<i>No. 48, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 250.]</i>
"	Ditto . .	5 (1) and 10 (3)	Appointing a Judge of the Court referred to above and determining the value of the civil suits cognizable by the Court.	<i>No. 33, dated the 4th July, 1898. [Hyderabad Residency Orders, Extraordinary, dated the 7th July, 1898.]</i>
"	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	16 (2)	Extending, with modifications, the rules regulating procedure in the Barars for obtaining copies of Civil and Criminal Judicial Records and prescribing fees for such copies.	<i>No. 75, dated the 8th November, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 342.]</i>

¹ See also Chapter II and Section I of this Chapter, *supra*.

CHAPTER V-II(3).—THE HINGOLI CANTONMENT.

CHAPTER V.

THE HYDERABAD CONTINGENT STATIONS—*contd.*

II (3).—THE HINGOLI CANTONMENT.

The British enactments in force locally in this Cantonment, treated separately, consist of—

British-Hingoli Enactments.

Special Local Laws.

CHAPTER V-II(3).—THE HINGOLI CANTONMENT.

*British-Hingoli Enactments.*SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
1891	Appointing the Superintendent of Police, Hingoli, to be a Magistrate of the 2nd class in the Basim District.	<i>No 154, dated the 26th May, 1891.</i>	<i>Hyderabad Residency Orders, dated 1st June, 1891.</i>
1892	Order for the maintenance of peace, etc., and repealing the Bazaar Regulations so far as they apply to this Cantonment.	<i>No. 172-I., dated the 13th January, 1892.</i>	Printed <i>infra</i> , p. 610.
1893	Empowering the Superintendent of Police, Hingoli, to record the evidence of witnesses heard by him in English as laid down in section 359 of the Criminal Procedure Code, 1898.	<i>No. 176, dated the 22nd June, 1893.</i>	Printed <i>infra</i> , p. 611.
1894	Declaring the Cantonment to be a sub-district of the Bassim Registration District for the purposes of the Indian Registration Act, 1877 (III of 1877), with effect from the 15th August 1894.	<i>No. 261, dated the 14th July, 1894.</i>	Ditto.

¹ For Acts of the Governor General in Council and other Special Local Laws in force in this Cantonment, see Chapter II, *supra*, and Section I of this Chapter.

CHAPTER V-II(4).—THE JALNA CANTONMENT.

CHAPTER V—*contd.*THE HYDERABAD CONTINGENT STATIONS—*contd.*

II (4).—THE JALNA CANTONMENT.

The British enactments in force locally in this Cantonment, treated separately, consist of—

A.—British-Indian Enactment.

Local Order under an Act in force generally in all Native States.

B.—British-Jalna Cantonment Enactments.

1. Special Local Laws.
2. Local Rules and Orders under British-Indian Enactments locally applied.

CHAPTER V-II(4).—THE JALNA CANTONMENT.

A.—British-Indian Enactment.

LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879).	6	Appointing the Cantonment Magistrate of Aurangabad and Jalna, being a European-British subject, to be a Justice of the Peace within the Hyderabad State.	<i>No. 165-I., dated the 13th January, 1892.</i> [Printed <i>infra</i> , p. 598.]

CHAPTER V-II(4).—THE JALNA CANTONMENT—*contd.**B.—British-Jalna Cantonment Enactments.*1. SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
1892	Order for the maintenance of peace, etc., and repealing the Bazaar Regulations so far as they apply to this Cantonment.	No. 838-I., dated the 25th February, 1892.	Printed <i>infra</i> , p. 610.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and section I of this Chapter, *supra*, pp. 33 and respectively.

CHAPTER V-II(4).—THE JALNA CANTONMENT—*concl'd.**B.—British-Jalna Cantonment Enactments.*2. LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
² Indian Registration Act, 1877 (III of 1877).	6	Declaring the Cantonments of Aurangabad, Jalna and Mominabad to be a district and each Cantonment to be a sub-district for the purposes of the Act, and appointing an Inspector-General and a Registrar for the District.	<i>No. 262, dated the 4th July, 1894.</i> [Printed <i>infra</i> , p. 605.]
³ Code of Criminal Procedure, 1898 (Act V of 1898).	12	Appointing the Superintendent of Police at Jalna to be a Magistrate of the 2nd class in the Buldana district.	<i>No. 27, dated the 8th December, 1891.</i> [<i>Hyderabad Residency Orders</i> , 1891, Pt. I, p. 214.]
Ditto.	32	Investing the Superintendent of Police at Jalna, being a Magistrate of the 2nd class, with powers to pass sentences of whipping.	<i>No. 218, dated the 2nd July, 1892.</i> [<i>Hyderabad Residency Orders</i> , 1892, Pt. I, p. 146.]

¹ See also Chapter II *supra*, p.² This Act is now in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.³ These notifications issued under the Code of 1882 (Act X of 1882). They are kept in force by s. 2 (2) of Act V of 1898, which is in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898.

CHAPTER V-II(5).—THE MOMINABAD CANTONMENT.

CHAPTER V—*contd.*THE HYDERABAD CONTINGENT STATIONS—*contd.*

II (5).—THE MOMINABAD CANTONMENT.

The British enactments in force locally in this Cantonment, treated separately, consist of—

British-Mominabad Cantonment Enactments.

1. Special Local Laws.
2. Local Rules and Orders under British-Indian enactments locally applied.

CHAPTER V-II(5).—THE MOMINABAD CANTONMENT.

*British-Mominabad Cantonment Enactments.*1. SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
2	Order for the maintenance of peace, etc., and repealing the Bazaar Regulations so far as they apply to this Cantonment.	No. 839-I, dated the 25th February, 1892.	Printed <i>infra</i> , p. 614.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II, and Section I of this Chapter. *supra*, pp. 33 and 561 respectively.

CHAPTER V-II (5).—THE MOMINABAD CANTONMENT—*contd.**British-Mominabad Cantonment Enactments.*2. LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
² Indian Registration Act, 1877 (III of 1877).	6	Declaring the Cantonments of Aurangabad, Jalna and Mominabad to be a district and each Cantonment to be a sub-district for the purposes of the Act and appointing an Inspector-General and a Registrar for the District.	<i>No. 262, dated the 4th July, 1894.</i> [Printed <i>infra</i> , p. 605.]
² Code of Criminal Procedure, 1898 (Act V of 1898).	12	Appointing the Superintendent of Police at Mominabad to be a Magistrate of the 2nd class in the Buldana District.	<i>No. 30, dated the 25th January, 1892.</i> [<i>Hyderabad Residency Orders</i> , 1892, Pt. I, p. 33.]
³ Ditto . . .	32	Investing the Superintendent of Police at Mominabad, being a Magistrate of the 2nd class, with power to pass sentences of whipping.	<i>No. 220, dated the 2nd July, 1892.</i> [<i>Hyderabad Residency Orders</i> , 1892, Pt. I, p. 147.]
³ Ditto . . .	37	Empowering the Superintendent of Police at Mominabad, being a Magistrate of the 2nd class, to commit for trial under section 206 of the Code.	<i>No. 216, dated the 21st July, 1893.</i> [<i>Hyderabad Residency Orders</i> , 1893, Pt. I, p. 140.]

¹ See also Ch. II *supra*, p. 83.² This Act is now in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 89.³ These notifications issued under the Code of 1882 (Act X of 1882). They are kept in force by s. 2 (2) of Act V of 1898, which is in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898.

CHAPTER V-II (6).—THE RAICHUR CANTONMENT.

CHAPTER V—*contd.*THE HYDERABAD CONTINGENT STATIONS—*contd.*

II (6).—THE RAICHUR CANTONMENT.

The British enactments in force locally in the Raichur Cantonment, treated separately, consist of—

A.—British-Indian Enactment.

Local Order under an Act in force generally in all Native States.

B.—British-Raichur Cantonment Enactments.

1. Special Local Law.

2. Local Rules and Orders under.

(a) Acts of the Governor General in Council locally applied.

(b) Special Local Laws.

CHAPTER V-II (6.)—THE RAICHUR CANTONMENT.

A.—British-Indian Enactment.¹

LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
² Indian Income Tax Act, 1886 (II of 1886).	40	Authorizing the 2nd Assistant Resident at Hyderabad to exercise any and all the powers of a Collector as defined in the Act within the limits of the Raichur Cantonment.	<i>No. 32, dated the 10th December, 1896.</i> <i>[Hyderabad Residency Orders, 1896, Pt. I, p. 265.]</i>

¹ See Ch. II and Section I of this Chapter, *supra*, pp. and respectively.² This short title was given by the Indian Short Titles Act, 1897 (XIV of 1897), which is in force in this station in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II (6).—THE RAICHUR CANTONMENT—*contd.**B.—British-Raichur Cantonment Enactments.*1. SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
1892	Order for the maintenance of peace, etc., and repealing the Bazar Regulations so far as they apply to this Cantonment.	<i>No. 171-I, dated the 13th January, 1892.</i>	Printed <i>infra</i> , p. 610.

¹ For Acts and other Special Local Laws in force in this Cantonment, *see* Ch. II, *supra*, and Section 1 of this Chapter.

CHAPTER V-II (6).—THE RAICHUR CANTONMENT—*contd.**B.—British-Raichur Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH INDIAN ENACTMENTS LOCALLY APPLIED—*contd.*

Act.	Section.	Subject of Notification.	Reference.
Probate and Administration Act, 1881 (V of 1881).	2	Authorizing Deputy Commissioners in the Hyderabad Assigned Districts and the Assistant Cantonment Magistrate of Sikandarabad to receive applications for probate and letters of administration within the Cantonment.	No. 51, dated the 25th July, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 251.]
Code of Criminal Procedure, 1898 (Act V of 1898).	...	Appointing the Superintendent of the Hyderabad Residency Bazars to be District Magistrate for the Cantonment.	No. 50, dated the 17th July, 1899. [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 251.]

CHAPTER V-II (6).—THE RAICHUR CANTONMENT—*concl'd.**B.—British-Raichur Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Section of Law applied.	Subject of Notification	Reference.
1898	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	9 (1)	Investing the Assistant Cantonment Magistrate of Sikandarabad with all the powers of the Court of a Deputy Commissioner under the Law within, among other areas, the Raichur Cantonment.	<i>No. 47, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 250.]</i>
„	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	4 (2)	Declaring the Cantonment of Raichur to be comprised within the local limits of the jurisdiction of the Small Cause Court at Sikandarabad.	<i>No. 48, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 250.]</i>
„	Ditto . . .	5 (1) and 10 (3)	Appointing a Judge of the above Court, and determining the value of the civil suits cognizable by it.	<i>No. 33, dated the 4th July, 1898. [Hyderabad Residency Orders, Extraordinary, dated the 4th July, 1898.]</i>
„	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	16 (2)	Extending with modifications, the rules regulating procedure in the Berars for obtaining copies of Civil and Criminal Judicial Records and prescribing fees for such copies.	<i>No. 75, dated the 8th November, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 342.]</i>

¹ See also Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561 respectively.

CHAPTER V-I.—THE CONTINGENT STATIONS GENERALLY.

A.—BRITISH-INDIAN ENACTMENTS.

Local Order under an Act in force generally in all Native States.

Order under the Births, Deaths and Marriages Registration Act, 1886 (VI of 1886), appointing Marriage Registrars and a Registrar General.

No. 3031-I., dated the 22nd July, 1891.—In exercise of the powers conferred by section 13 of the Births, Deaths and Marriages Registration Act (VI of 1886), the Governor General in Council is pleased to appoint the persons for the time being holding the offices designated in the first column of the following schedule to be Registrars of Births and Deaths in respect of the classes of persons indicated in section 11, sub-section (1), clause (b), of the said Act for the local areas mentioned opposite their designations in the second column of that schedule respectively :—

Offices.	Local areas.
The Superintendent of Police, Bolaram Cantonment . . .	The Cantonment of Bolaram.
The Superintendent of Police, Aurangabad Cantonment . . .	The Cantonment of Aurangabad.
The Superintendent of Police, Jalna Cantonment . . .	The Cantonment of Jalna.
The Superintendent of Police, Hingoli Cantonment . . .	The Cantonment of Hingoli.
The Superintendent of Police, Raichur Cantonment . . .	The Cantonment of Raichur.
The Superintendent of Police, Mominabad Cantonment . . .	The Cantonment of Mominabad.

II. For the purposes of section 24, sub-section (2), of the said Act, the Governor General in Council is further pleased to appoint the Registrar-General of Births, Deaths, and Marriages for the Presidency of Madras for the time being to be Registrar-General for the local areas mentioned in the schedule above.

[See *Gazette of India*, 1891, Pt. I, p. 434.]

B.—BRITISH-HYDERABAD CONTINGENT STATIONS ENACTMENTS.

1. (a) Notification applying an Act of the Governor General in Council.¹

The Indian Articles of War, 1869 (Act V of 1869).

No. 1382-J., dated the 17th December, 1897.—Whereas under the powers conferred by Article 191 of the Indian Articles of War (Act V of 1869) as amended

¹ See also Chapter II *supra*, p. 33.

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS—*contd.***B.—British-Hyderabad Contingent Stations Enactments—1. (a)-Notification applying an Act of the Governor General in Council—*concl'd.*****The Indian Articles of War, 1869 (Act V of 1869)—*cont'd.***

by Act XII of 1894, the Governor General in Council has power, by notification to apply the provisions of those Articles to any force raised and maintained in India under the authority of the Governor General in Council; and whereas the Hyderabad Contingent is a force so raised and maintained; the Governor General in Council is hereby pleased to notify that from and after the 17th day of December, 1897, the whole of the provisions of the said ¹ Indian Articles of War (Act V of 1869) as amended by Act XII of 1894 shall apply to the Hyderabad Contingent.

[See *Gazette of India*, 1897, Pt. I, p. 1145.]

1. (b)-Special Local Laws.**Glanders and Farcy Rules, 1881.**

Extract from General Orders by the Resident at Hyderabad, in the Military Department, No. 266, dated Hyderabad Residency, the 21st December, 1881.

The following rules framed under the provisions of the Glanders and Farcy Act (XX of 1879) are, with the approval of the Government of India, published for information and guidance of officers concerned in the several stations of the Hyderabad Contingent, and will come into force from the 1st January, 1882.

Preamble.—In these rules “horses” includes also ponies, asses, mules, and jennets. “Diseased” means affected with glanders or farcy:—

I. Officers Commanding Stations are empowered to cause to be seized any horse within cantonment limits which they have reason to believe, from personal knowledge, or from information given by any person, and taken down in writing, is diseased, and may, for this purpose, cause to be entered and searched any field, building, or other place in which they have reason to believe any such horse is to be found.

II. On any such seizure, the Officer Commanding shall in communication with the Officer Commanding the Cavalry Regiment or Battery of Artillery in the cantonment, cause the horse seized to be at once examined by a Salootthrie of either corps.

III. If the Salootthrie declares that such horse is diseased, the Officer Commanding shall cause the same to be immediately destroyed; provided that if a Veterinary Surgeon be within reach and the owner of the horse be dissatisfied with the opinion of the Salootthrie, such owner shall be at liberty at his own expense to have the horse at once re-examined by a Veterinary Surgeon, ‘whose opinion as to the disease shall be final, and shall be acted on by the Officer Commanding’; should the horse be declared not to be diseased, it shall be at once made over to the person entitled to possession thereof.

IV. When any diseased horse has been in any building, shed, etc., the Officer Commanding may direct such building, etc., to be disinfected and the fittings thereof destroyed, should he consider such to be necessary.

V. On failure or neglect of the owner or other person to carry out such direction, the Officer Commanding may direct the same to be carried out at the expense of such person, etc., and the cost thereof levied by the Superintendent of Police as if such were a fine.

VI. The owner or any person in charge of a diseased horse shall give immediate information thereof to the Officer Commanding, or the Superintendent of Police.

¹ Printed General, Acts, Vol. II, Ed. 1898, p. 39.

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS—*contd.***B.—British-Hyderabad Contingent Stations Enactments—1. (b)—Special Local Laws—*contd.*****Glanders and Farcy Rules, 1881—*conold.***

VII. No horse which has been in the same building or place, or in contact with a diseased horse, shall be moved, except *bonâ fide* for the purpose of preventing infection, or with the permission of the Officer Commanding.

VIII. None of the above rules apply to the registered chargers of officers, or to the horses or ponies of the regiments and batteries of the Hyderabad Contingent, which in case of disease will be dealt with under Regulations.

[See *Hyderabad Residency Orders*, 1882, Pt. I, p. 4.]

Subsistence allowance for prisoners.

No. 254, dated the 29th August, 1889.—The Resident is pleased to prescribe a subsistence allowance of Government annas two per diem, to be drawn for prisoners at the several stations of the Hyderabad Contingent dieted at the cost of Cantonment funds, with effect from the 1st September, 1889.

[See *Hyderabad Residency Orders*, 1889, Pt. I, p. 157.]

Nagpur jail declared to be a prison for the territories subject to Resident.

No. 3723-I., dated the 20th September 1899, printed *supra*, p. 361.

Service of processes between the City and Suburban Courts and the District Courts of the Contingent Stations.

No. 10, dated the 2nd March, 1891.—With the concurrence of His Highness the Nizam's Government, the following procedure will be followed for the future in the service of processes between the City and Suburban Courts and the District Courts in His Highness the Nizam's territory on the one hand and the Courts in the Hyderabad Contingent Stations on the other:—

- (1) All civil and criminal processes issued by the Courts in the Hyderabad Contingent Stations and intended for service in the suburbs of the City will be sent to the Judge of the Suburban Court direct by post.
- (2) All civil processes issued by the above Courts and intended for service in the City will be sent to the Judge of the Small Cause Court of the City direct by post.
- (3) All criminal processes intended for service in the City will be sent by post direct to the Nizam of the Criminal Court in the City.
- (4) All civil and criminal processes issued by the above Courts and intended for service in the jurisdiction of a District Court in His Highness the Nizam's territory will be sent direct by post to the Court within the local jurisdiction of which it is to be served.
- (5) In like manner all civil and criminal processes issued by the City and Suburban Courts and the District Courts in His Highness the Nizam's territory and intended for service in the Hyderabad Contingent stations will be sent by post direct to the Officer Commanding at the station in which the process is to be served.

[See *Hyderabad Residency Orders*, 1891, Pt. I, p. 42.]

Imposition of taxes within the Contingent Stations.

No. 3446-I., dated the 17th October, 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879),

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS—*contd.*B.—British-Hyderabad Contingent Stations Enactments—1. (b)-Special Local Laws—*contd.*Imposition of taxes within the Contingent Stations—*concl'd.*

and of all other powers enabling him in this behalf, the Governor General in Council is pleased to empower the Cantonment Committee of each of the Hyderabad Contingent Stations of Aurangabad, Jalna, Mominabad, Hingoli, Raichur and Bolaram to impose within the limits of the said Cantonments, respectively, any of the following taxes:—

I.—With the previous sanction of the Resident—

- (a) a tax on buildings and lands situate within the Cantonment, not exceeding seven-and-a-half per centum on the annual value of such buildings and lands;
- (b) a tax on persons practising any profession or art or carrying on any trade or calling in the Cantonment, not exceeding two and-a-half per centum on the annual income derived from such practice or calling;
- (c) a tax not exceeding Rs. 5 a quarter on every vehicle, boat, animal used for riding, driving, draught or burden or dog kept within the Cantonment;
- (d) a toll not exceeding one anna on every vehicle and animal used as aforesaid entering the Cantonment;
- (e) a tax not exceeding eight annas per mensem on every menial or domestic servant;
- (f) an octroi on animals for slaughter, or goods, or both, brought within the Cantonment for consumption or use therein, such octroi not exceeding one anna on each animal and not exceeding Rs. 5 per maund or 5 per centum *ad valorem* on any such goods as aforesaid; and
- (g) a scavenging tax, at a rate not exceeding seven-and-a-half per centum on the annual value of any buildings or lands within the Cantonment in respect to which the Committee have provided for the performance by means of their agents of the duties usually performed by sweepers: Provided that, in fixing the said rate, regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

II.—With the previous sanction of the Resident and of the Governor General in Council, any other tax.

The expression “annual value” in clauses (a) and (g) means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let.

2. The Governor General in Council is further pleased to empower the Resident to apply or adapt, with the previous sanction of the Governor General in Council, to the said Cantonments the provisions of any rules in force for the assessment and recovery of any tax in the Cantonment of Sikandarabad or in any Cantonment in British India.

3. The existing taxes in the said Cantonments shall remain in force within the limits of those Cantonments until new taxes shall have been imposed in substitution for them under the powers hereby conferred or until the 31st March, 1896, whichever period shall first expire.

[See *Gazette of India*, 1895, Pt. I, p. 856.]

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS—*contd.***B.—British-Hyderabad Contingent Stations Enactments—1. (b)-Special Local Laws—*contd.***

Rules for the control of the manufacture, etc., of arms, etc.

No. 2134-I.B., dated the 5th August, 1898, printed supra, p. 462.

Rules for the regulation of nuisances.

No. 1678-I., dated the 22nd May, 1896.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to make the following rules for the regulation of nuisances in each of the Hyderabad Contingent stations of Aurangabad, Jalna, Mominabad, Hingoli, Raichur and Bolaram (hereinafter referred to as Cantonments):

1. (i) The Cantonment Committee (hereinafter referred to as "the Committee") may provide for the performance by its agents of the duties usually performed by sweepers in respect of any building or land, or of any privy, drain, cess-pool, or other receptacle for offensive matter, pertaining to any building or land with the consent of the occupier of the building or land or without such consent if the occupier fails to make arrangements to the satisfaction of the Committee for the performance of such duties.

(ii) When the Committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of these duties, and the Committee, by any person authorized by it in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

2. (i) The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require the owner of any building to provide, in such manner as the Committee directs, any privy or cess-pool, or additional privies or cess-pools which should, in the opinion of the Committee, be provided for such building.

(ii) The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require any person employing more than twenty workmen or labourers to provide such latrines and urinals as the Cantonment Committee may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

(iii) The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Committee directs, any door or trap-door of a privy opening on to any street or drain.

3. (i) The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require the owner or occupier of any building or land to repair or alter, or put in good order any privy, drain or cess-pool, or to close any cess-pool belonging thereto.

(ii) The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require any person who constructs any new privy, drain or cess-pool without his permission in writing, or contrary to his directions or regulations, or who constructs, rebuilds or opens any privy, drain

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS—*contd.***B.-British-Hyderabad Contingent Stations Enactments—1. (b)-Special Local Laws—*contd.*****Rules for the regulation of nuisances—*contd.***

or cess-pool which has been ordered to be removed or stopped up or not to be made, to remove the privy, drain or cess-pool, or to make such alteration therein as he may think fit.

4. The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require any person who, without his permission in writing, newly erects or rebuilds any building over any public sewer, drain, culvert, water-course or water-pipe vested in the Cantonment authority to pull down or otherwise deal with the building as he thinks fit.

5. The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require any owner or occupier on whose land any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use to remove or close the same within one week.

6. The Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may by notice in writing require the owner or occupier of any building or land to cleanse, repair, cover, fill up or drain off any private tank, well, reservoir, pool, low marshy ground or excavation therein which appears to the Committee to be injurious to health or offensive to the neighbourhood.

Provided that if, for the purpose of effecting under this section any drainage, it is necessary to acquire any land not belonging to such owner or occupier or to pay compensation to any other person, the Cantonment authority shall provide the land or pay the compensation.

7. (i) When any notice under these rules requires any act to be done for which no time is fixed by these rules, the notice shall fix a reasonable time for doing the same.

(ii) When the owner or occupier of any building or land fails to comply with the terms of any notice under these rules requiring him to do any act in, or in respect to, that building or land, the Superintendent of Police, and in the Cantonment of Aurangabad the Cantonment Magistrate, may, after six hours' notice, cause the act to be done by the officers subordinate to him.

8. (i) Where under these rules the owner or occupier of property is required by the Committee to execute any work and default has been made in complying with the requirement, and the Committee has executed the work, the Committee may recover the cost of the work from the persons in default.

(ii) As between themselves and the Committee, both owner and occupier shall be deemed to be in default for the purpose of this section, but that one of them shall be deemed to be primarily in default upon whom as between landlord and tenant the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(iii) When the person primarily in default is the owner, and the Committee has recovered the whole or any part of the cost from the occupier, or he has paid the same upon its demand, he may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner or otherwise recover it from such owner.

(iv) Provided that no occupier shall be required to pay under sub-section (iii) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter

CHAPTER V-I.—THE HYDERABAD CONTINGENT STATIONS—*contd***B.-British-Hyderabad Contingent Stations Enactments,—1. (b)-Special Local Laws—*consolid.*****Rules for the regulation of nuisance—*consolid.***

accruing, unless he has refused, on application to him by the Committee, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Committee from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall be on the occupier.

(v) All money recoverable by a Committee under this section may be recovered either by suit or on application to the Magistrate having jurisdiction within the cantonment by distress and sale of the moveable property of the person from whom the money is recoverable, and if payable by the owner of the property shall, until it is paid, be a charge on the property.

(vi) Nothing in this section shall affect any contract between an owner and an occupier.

9. (i) Any person aggrieved by any order made by the Superintendent of Police, and in the Cantonment of Aurangabad by the Cantonment Magistrate, under the above rules may appeal within three days from the date thereof to the Cantonment Committee, and no such order shall be liable to be called in question otherwise than by such appeal.

(ii) The Committee may, for sufficient cause, extend the period hereby allowed for appeal.

(iii) The order of the Committee confirming, setting aside, or modifying the order appealed against shall be final: Provided that the order appealed against shall not be confirmed, set aside, or modified until the appellant and the Cantonment Magistrate have had reasonable opportunity of being heard.

[See *Gazette of India*, 1896, Pt. I, p. 376.]

'Local order under an Act of the Governor General in Council locally applied.

Delegation of functions under section 2 (i) of the Epidemic Diseases Act, 1897.

No. 1234-I.-A., dated the 3rd April 1899, printed supra p. 405.

¹ For Local Rules and Orders under other Acts and under Special Local Laws published in the Residency Orders, see the Lists on pp. 566 and 567 *supra*.

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT.

A.—BRITISH-INDIAN ENACTMENTS.

Local Order¹ under an Act in force generally in all Native States.

Appointment of Cantonment Magistrate, Aurangabad, as a Justice of the Peace.

No. 165-I., dated the 13th January, 1892.—In exercise of the powers conferred by section 6 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), the Governor General in Council is pleased to appoint the officer for the time being holding the office of Cantonment Magistrate of Aurangabad and Jalna, being a European British subject, to be a Justice of the Peace within the Hyderabad State.

[See *Gazette of India*, 1892, Pt. I, p. 40.]

B.—BRITISH-AURANGABAD ENACTMENTS.

1. Special Local Laws.²

Imposition of a Water-tax.

No. 672-I., dated the 22nd February, 1895.—In exercise of the power conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to impose a water-tax on all buildings and lands within the Cantonment of Aurangabad which are so situated that their occupiers can benefit by the supply of water.

The rate of the tax shall be 9 per cent. on the annual value of the buildings and lands. The tax shall come into force from the date of this notification.

[See *Gazette of India*, 1895, Pt. I, p. 88.]

Rules for the assessment and recovery of the water-tax.

No. 673-I., dated the 22nd February, 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following rules for the assessment and recovery of the water-tax on buildings and lands within the Cantonment

¹ See also Section I of this Chapter.

² For notifications applying Acts of the Governor General in Council and for other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this Chapter.

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT—*contd.*B.—British-Aurangabad Enactments—1. Special Local Laws¹—*contd.*Rules for the assessment and recovery of the water-tax—*contd.*

of Aurangabad imposed by the Notification of the Government of India in the Foreign Department, No. 672-I., dated the 22nd February, 1895:—

1. (1) The Cantonment Committee shall cause an assessment list of all buildings and lands on which water rate is imposed to be prepared, containing—

- (a) the name of the street or division in which the property is situated;
- (b) the designation of the property, either by name or by number, sufficient for identification;
- (c) the names of the owner and occupier, if known;
- (d) the annual value on which the property is assessed;
- (e) the amount of the tax assessed thereon by the Committee.

(2) For the purpose of preparing this list, the Committee may require the owners or occupiers of the buildings or lands to furnish it with returns of annual value.

2. "Annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished.

3. "Owner" includes the person for the time being receiving the rent of lands and buildings, or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant.

4. When the assessment list has been completed, the Committee shall give public notice thereof, and of the place where the list or a copy thereof may be inspected; and every person, claiming to be either owner or occupier of property included in the list, and every agent of any such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

5. (1) The Committee shall at the time of the publication of such assessment list give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice thereof to the owner or occupier of the property.

(2) All objections to the valuation and assessment shall be made in writing before the time fixed in the notice, or orally or in writing at that time.

6. (1) After the objections have been enquired into and the persons making them have been allowed an opportunity of being heard either in person or by authorised agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the list shall be authenticated by the signatures of not less than two members of the Committee, who shall at the same time certify

¹ For notifications applying Acts of the Governor General in Council and for other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this Chapter.

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT—*contd.***B.—British-Aurangabad Enactments—1. Special Local Laws¹—*contd.*****Rules for the assessment and recovery of the water-tax—*contd.***

that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed the tax for the year commencing on the 1st of January next ensuing, as also in the case of a tax then imposed for the first time for the period between the commencement of the tax and such first day of January.

(2) The list when amended under this rule shall be deposited in the Committee's office, and shall then be open during office hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be published.

7. (1) The Committee may at any time amend the list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident, or mistake, after giving notice to any person interested in the amendment, of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Committee in writing before the time fixed in the notice, or orally or in writing at that time, and shall be allowed an opportunity of being heard in support of the same in person or by authorised agent as he may think fit.

8. It shall be in the discretion of the Committee to prepare a new assessment list every year, or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment list had been prepared.

9. Any tax assessed under the foregoing rules shall be payable by the occupier quarterly in advance on the 1st day of each quarter, provided that the first instalment shall include that due from the date of the notification imposing the tax.

10. For all sums paid under these rules, a receipt stating the amount and the account on which it was paid shall be given by the person receiving the same, on request by the person making the payment.

11. (1) When any property assessed under these rules has remained unoccupied and unproductive of rent throughout the quarter, the Committee shall remit the amount of the quarter's instalment: Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Committee within the first month of the period in respect of which it is claimed.

(2) The burden of proving the facts entitling any person to claim relief under this rule shall lie upon him.

¹ For notifications applying Acts of the Governor General in Council and for other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this Chapter.

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT—*contd.***B.—British-Aurangabad Enactments—1. Special Local Laws¹—*contd.*****Rules for the assessment and recovery of the water-tax—*contd.***

(3) For the purposes of this rule neither the presence of a care-taker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(4) For the purposes of this rule a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof whether it is actually occupied by such tenant or not.

12. No objections shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned in any other manner or by any other authority than is provided in these rules.

Taxation not to be questioned save under these rules.

13. (1) The Committee may by notice in writing call upon any inhabitant of the cantonment to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay the tax.

Duty of furnishing true information regarding liability to taxation.

(2) If any inhabitant so called upon to furnish information omits to furnish it, or furnishes information which is untrue, he shall be punishable with a fine which may extend to one hundred rupees.

14. The Committee by any person authorised by it in this behalf, after giving twenty-four hours' notice to the occupier, or if there be no occupier, to the owner of any building or land, may at any time between sunrise and sunset enter, inspect and measure any building or land for the purpose of valuation.

Power of entry on buildings and lands.

15. (1) Every notice issued by the Committee under these rules shall be in writing signed by a member of the Committee authorised in that behalf, and may be served on the person to whom it is addressed or left at his usual place of abode or business with some adult male member or servant of his family, or if it cannot be so served, may be affixed to some conspicuous part of his place of abode or business.

Authentication, service, and validity of notice.

(2) When the place of abode or business of the person to whom the notice is addressed is not within the limits of the cantonment, any such notice may be served by posting it in a registered cover addressed to his usual place of abode.

(3) If the owner of any property has no place of abode or business within the cantonment, any such notice addressed to him as such owner may be served on the occupier.

(4) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(5) No notice issued by the Committee under these rules shall be invalid for defect of form.

16. When any notice is under these rules to be given or served on the owner or occupier of any property and he is unknown, it may be given or served—

Mode of giving notice to owner or occupier of property.

(a) by delivering a written notice to some person on the property, or should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or

¹ For notifications applying Acts of the Governor General in Council and for other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this Chapter.

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT—*contd.*B.—British-Aurangabad Enactments—1. Special Local Laws¹—*contd.*Rules for the assessment and recovery of the water-tax—*concl'd.*

(b) by putting into the post a prepaid letter containing a written notice and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description :

17. Every public notice given by a Committee under these rules shall be published by proclamation.
Publication of public notices.

18. Whoever disobeys any lawful direction given by the Committee by written notice lawfully issued under these rules shall, if the disobedience is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and in the case of a continuing breach with a further fine which may extend to five rupees for each day after the first during which the breach continues :
Penalty for disobedience of orders of Committee under last chapter.²

Provided that, when the notice fixes a time within which a certain act is to be done, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time.

19. No Court shall take cognizance of any offence punishable under these rules, except on the complaint of the Committee or of some person authorised by the Committee in this behalf.
Authority for prosecution.

20. Any arrears of taxation claimable by the Committee under these rules may be recovered on application to a Magistrate having jurisdiction within the limits of the cantonment, or in any other place where the person from whom the money is claimable may for the time being be resident, by the distress and sale of any moveable property within the limits of his jurisdiction belonging to such person.
Recovery of taxes.

21. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any proceedings under these rules, within the meaning of section 555 of the Code of Criminal Procedure, 1882,³ by reason only that he is a member of the Committee, by the order or under the authority of which it has been instituted.
Members not to be deemed interested in prosecution.

22. A Committee may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may by order, exempt in whole or in part from the payment of this tax any person or class of persons or any property or description of property.
Power to exempt from taxation.

[See *Gazette of India*, 1895, Pt. I, p. 88.]

Order for the maintenance of peace, etc.

No. 837-I., dated the 25th February, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of

¹ For notifications applying Acts of the Governor General in Council and for other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this Chapter.

² *Sic.*

³ Now Act V of 1898, which is in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT—*contd.*B.—British-Aurangabad Enactments—1.—Special Local Laws—*contd.*Order for the maintenance of peace, etc.—*concl'd.*

all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Aurangabad :—

1. The Bazar Regulations of the Hyderabad Contingent Stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment, or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent, subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations issued by the Officer Commanding the station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine, with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence or any person of notoriously bad character, and the Officer Commanding the station may expel such person or persons from the said limits.

7. Any person resident beyond the said limits, who is summoned as a witness and attends to give evidence in any proceeding under these orders, shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling, or attempting to smuggle, any spirituous liquor or intoxicating drug into the said limits, and any person, not being a vendor duly licensed, selling the same, or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in such jail within the jurisdiction of the Resident at Hyderabad as the Resident may from time to time appoint.

10. No person amenable to the Articles of War shall be tried under section 5 or section 8 of these orders without the previous sanction of the Officer Commanding the station. Such sanction may be given generally or for a particular case.

11. Nothing herein contained shall apply to—

- (a) any proceedings pending at the date of the issue of these orders ; or
- (b) proceedings against European-British subjects.

[See *Gazette of India*, 1892, Pt. I, p. 115.]

¹For notifications applying Acts of the Governor General in Council and for other Special Local Laws in force in this Cantonment, see Chapter II *supra*, and Section I of this Chapter.

CHAPTER V.—II (1).—THE AURANGABAD CANTONMENT—*contd.*

B.—British-Aurangabad Enactments—1. Special Local Laws—*contd.*

Investiture of Judicial Superintendent, Aurangabad, with the powers of a Magistrate of the 1st class.

No. 2570-I.A., dated the 25th June, 1897.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to invest the Judicial Superintendent, Aurangabad, for the time being, with the powers of a Magistrate of the 1st class, as described in the Code of Criminal Procedure, 1882,¹ to be exercised within the limits of His Highness the Nizam's territories in all cases in which such powers may lawfully be exercised by the Governor General in Council within such territories.

[See *Gazette of India*, 1897, Pt. I, p. 551.]

¹ See now the Code of Criminal Procedure, 1898 Act (V of 1898).

CHAPTER V-II (1).—THE AURANGABAD CANTONMENT—*concl'd.***B.-British-Aurangabad Enactments.—2. Local Order under an Act locally applied.****Formation of a district and sub-districts for purposes of the Indian Registration Act, 1877.**

No. 262, dated the 14th July, 1894.—In pursuance of the Notifications of the Government of India in the Foreign Department cited in the margin, the Resident is pleased to declare that, with effect from the 15th August, 1894, and for the purposes of the Indian Registration Act (III of 1877), the Cantonments of Aurangabad, Jalna and Mominabad shall form one district, and that each of the said Cantonments shall be a sub-district of the said district. The Inspector-General of Registration, Hyderabad Assigned Districts, will exercise the powers of an Inspector-General of Registration under the said Act in the Aurangabad, Jalna and Mominabad District. The Resident is further pleased, under section 6 of the said Act, to appoint the Cantonment Magistrate of Aurangabad, Jalna and Mominabad for the time being to be Registrar of the District of Aurangabad, Jalna and Mominabad.

[See *Hyderabad Residency Orders*, 1894, Pt. I, p 198.]

¹ This Act is now in force in the Aurangabad Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

² These notifications were cancelled by Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT.

BRITISH-BOLARAM ENACTMENTS.

1. Special Local Laws.¹

Trials for Breaches of the Hyderabad Opium Rules.

No. 18, dated the 17th September, 1881, printed supra, p. 445.

Rules for exemption of certain civil decrees in the Bolaram Cantonment.

No. 3316-I., dated the 3rd October, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the rules laid down in Foreign Department Notification ²No. 26, dated the 19th December, 1884, to regulate the reciprocal execution of civil decrees, shall apply to the Cantonment Magistrate at Sikandarabad when exercising³ civil jurisdiction in the Cantonment of Bolaram.

[See *Gazette of India*, 1890, Pt. I, p. 720.]

Orders respecting the maintenance of peace, etc.

No. 169-I., dated the 13th January, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Bolaram :—

1. The Bazar Regulations of the Hyderabad Contingent Stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment, or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent, subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations issued by the Officer Commanding the station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence or any person of notoriously bad character, and the Officer Commanding the station may expel such person or persons from the said limits.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 445 respectively.

² Printed *supra*, p.

³ The Code of Civil Procedure (Act XIV of 1882) is now in force in this Cantonment, see Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT—*contd.***B.—British-Bolaram Enactments—1. Special Local Laws—*contd.*****Orders respecting the maintenance of peace, etc.,—*contd.***

7. Any person resident beyond the said limits, who is summoned as a witness and attends to give evidence in any proceeding under these orders, shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling, or attempting to smuggle, any spirituous liquor or intoxicating drug into the said limits, and any person, not being a vendor duly licensed, selling the same, or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in the Sikandarabad Jail.

10. No person amenable to the Articles of War shall be tried under section 5 or section 8 of these orders without the previous sanction of the Officer Commanding the station. Such sanction may be given generally or for a particular case.

11. Nothing herein contained shall apply to—

- (a) any proceedings pending at the date of the issue of these orders; or
- (b) proceedings against European-British subjects.

[See *Gazette of India*, 1892, Pt. I, p. 40.]

Rules for the receipt, custody and disbursement of the Revenue and Abkari Fund of the Cantonment.

No. 141, dated the 5th May, 1892.—The following rules for the receipt, custody and disbursement of the revenue of the Bolaram Cantonment and Abkari Funds are prescribed for strict observance :—

Rule 1.—The revenue shall be deposited in a cash chest which shall be kept suitably guarded where the Cantonment Committee may direct. The chest shall have double locks; each will have a separate key.

Rule 2.—The Committee shall employ a treasurer on a fixed monthly salary who shall hold one key of the chest, and the Secretary shall hold the other.

Rule 3.—The treasurer shall give security in Government paper (to be deposited with Comptroller) or in money, to be deposited in the Government Savings Bank, the pass book being deposited with the Comptroller for safe custody, to the extent of hali sicca rupees 300, and shall be responsible for the contents of the cash chest as well as for the advances made to him. But this shall not relieve the Secretary from general responsibility for seeing that the whole of the revenue collected is deposited daily in the chest, and that money is issued from the chest only in the manner hereinafter described.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

CHAPTER V-II (2).—THE BOLARAM CANTONMENT—*contd.*

B.—British-Bolaram Enactments—1. Special Local Laws¹—*contd.*

Rules for the receipt, custody and disbursement of the Revenue and Abkari Fund of the Cantonment—*contd.*

Rule 4.—The tax collectors shall pay their collections daily to the treasurer, who shall shroff the money so received, and daily deposit the whole of it in the cash chest in the Secretary's presence.

Explanation.

The intention here is to prohibit disbursements being made by the treasurer from current revenue received by him, and so to ensure the absolute separation of the accounts of revenue received and of the money advanced to the treasurer.

Rule 5.—Every tax-collector shall be required to give security to the average amount of his daily collections.

Rule 6.—The treasurer shall give every tax-collector an acknowledgment in a register to be kept for the purpose of the amount paid in by him each day. By inspection of this register, as well as by occasional examination of the receipts granted by the treasurer, the Secretary would be enabled to check the amount deposited daily in the cash by the treasurer and also to detect any failure on the part of a tax-collector to pay in his collections regularly.

Rule 7.—The revenue from abkari, which consists solely of a contribution from the Nizam's Government, shall be paid directly into the Hyderabad Treasury to credit of the fund.

Rule 8.—All payments on behalf of the Cantonment and Abkari Funds, except those on account of fixed establishments, shall be made from the Cantonment Fund revenue deposited in the cash chest, supplemented by a permanent advance of hali sicca rupees 1,000.

Rule 9.—The actual distribution of money to the payees shall be made by the treasurer under the supervision of the Secretary.

Rule 10.—For this purpose the treasurer shall receive from the chest an initial advance of such sum as, with the probable amount of daily collections paid over to him by the tax-collectors, will not place in his hands a larger sum than the amount of his security; and whenever necessary, the Secretary shall make him further advances from the chest in exchange for paid and receipted bills to the full extent of such further advances.

Rule 11.—Money for the pay and allowances of the fixed establishments shall be obtained from the Hyderabad Treasury at the beginning of each month by cheque on the Abkari Fund balance.

Rule 12.—Money shall in the same way be obtained at the beginning of each month to an extent necessary to raise the balance in the chest on the last day of the month to hali sicca rupees 1,000 inclusive of the advance to the treasurers. But when such balance, on the last day of the month, is more than hali sicca rupees 1,000, the excess shall be utilised for part payment of the fixed establishments, and the cheque on the Abkari Fund proportionately reduced.

Rule 13.—The sums received on cheques drawn against the Abkari Fund shall be placed in the cash chest forthwith.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 58, respectively.

CHAPTER V—II (2).—THE BOLARAM CANTONMENT—*concl'd.*

B.—British-Bolaram Enactments—1. Special Local Laws—*cont'd.*

Rules for the receipt, custody and disbursement of the Revenue and Abkari Fund of the Cantonment—*concl'd.*

Rule 14.—The monthly advance to the officer in charge of pensioners, authorized in Military Secretary's letter No. 2890, dated the 10th of December, 1883, to the Brigadier-General Commanding Hyderabad Contingent, and all unauthorized advances, shall be at once discontinued.

Rule 15.—Accounts shall be submitted as prescribed in the Civil Account Code, chapter 15, Rule 8, and on them the Secretary shall certify every month that he has personally counted the balance (including the treasurer's advance) in the chest on the last day of the month, and found it to agree with such balance as shown in the accounts.

[See *Hyderabad Residency Orders*, 1892, Pt. I, p. 108.]

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

CHAPTER V—II (3).—THE HINGOLI CANTONMENT.

BRITISH-HINGOLI ENACTMENTS.

1. Special Local Laws.

Order for the maintenance of peace, etc.

No. 172-I, dated the 13th January, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Hingoli :—

1. The Bazar Regulations of the Hyderabad Contingent Stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment, or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the Station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the Station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent, subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations, issued by the Officer Commanding the Station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence or any person of notoriously bad character, and the Officer Commanding the Station may expel such person or persons from the said limits.

7. Any person resident beyond the said limits who is summoned as a witness and attends to give evidence in any proceeding under these orders shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling or attempting to smuggle any spirituous liquor or intoxicating drug into the said limits, and any person not being a vendor duly licensed, selling the same, or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in the Basim Jail.

10. No person amenable to the Articles of War shall be tried under section 5 or section 8 of these orders without the previous sanction of the Officer Commanding the Station. Such sanction may be given generally or for a particular case.

¹ For Acts and other Special Local Laws, in force in this Cantonment see Chapter II and Section I of this Chapter, *supra*, pp. 33, and 561, respectively.

CHAPTER V—II (3).—THE HINGOLI CANTONMENT—*concl'd.*B.—British-Hingoli Enactments—1.—Special Local Laws—*concl'd.*Order for the maintenance of peace, etc.—*cont'd.*

11. Nothing herein contained shall apply to—

(a) any proceedings pending at the date of the issue of these orders ; or

(b) proceedings against European British subjects.

[See *Gazette of India*, 1892, Pt. I, p. 41.]

Empowering the Superintendent of Police to take down evidence in English.

No. 176, dated the 22nd June, 1893.—The Resident is pleased to empower the Superintendent of Police at Hingoli to take down the evidence of witnesses heard by him with his own hand in the English language as laid down in section 357 of the Code of Criminal Procedure, 1882.¹

[See *Hyderabad Residency Orders*, 1893, Pt. I, p. 113.]

Forming the Cantonments into a sub-district of the Basim District for the purposes of Act III of 1877.

No. 261, dated the 14th July, 1894.—In pursuance of the Notification of the Government of India in the Foreign Department No. 2007-I., dated the 11th of May 1891, cited in the margin, the Resident is pleased to declare that for the purposes of the Registration Act, III of 1877, the Cantonment of Hingoli shall form a sub-district of the Basim Registration District, with effect from the 15th August, 1894.

[See *Hyderabad Residency Orders*, 1894, Pt. I, p. 198.]

¹ For Acts and other Special Local Laws in force in this Cantonment see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

² See now the Code of Criminal Procedure, 1898 (Act V of 1898), which is now in force in this Cantonment in virtue of Notification No. 1811-I.B., dated the 1st July 1898, printed *supra*, p. 39.

³ This notification was cancelled by Notification No. 1811-I.B., dated the 1st July, 1898 (printed *supra*, p. 39). The Indian Registration Act, 1877 (III of 1877), is now in force under that notification in the Hingoli Cantonment.

CHAPTER V—II (4).—THE JALNA CANTONMENT.

BRITISH-JALNA ENACTMENTS.

1. Special Local Laws.

Order for the maintenance of peace, etc.

No. 838-I., dated the 25th February, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor-General in Council is pleased to issue the following orders applicable to the Cantonment of Jalna :—

1. The Bazar Regulations of the Hyderabad Contingent Stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment, or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the Station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the Station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent, subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations issued by the Officer Commanding the Station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine, with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence, or any person of notoriously bad character, and the Officer Commanding the Station may expel such person or persons from the said limits.

7. Any person resident beyond the said limits, who is summoned as a witness and attends to give evidence in any proceeding under these orders, shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling, or attempting to smuggle, any spirituous liquor or intoxicating drug into the said limits, and any person, not being a vendor duly licensed, selling the same, or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in such jail within the jurisdiction of the Resident at Hyderabad as the Resident may from time to time appoint.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33, and 561, respectively.

CHAPTER V—II (4).—THE JALNA CANTONMENT—*concl'd.*

B.—British-Jalna Enactments—1.—Special Local Laws¹—*concl'd.*

Order for the maintenance of peace, etc.—*concl'd.*

10. No person amenable to the Articles of War shall be tried under section 5 or section 8 of these orders without the previous sanction of the Officer Commanding the Station. Such sanction may be given generally or for a particular case.

11. Nothing herein contained shall apply to—

- (a) any proceedings pending at the date of the issue of these orders; or
- (b) proceedings against European British subjects.

[See *Gazette of India*, 1892, Pt. I, p. 115.]

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33, and 561, respectively.

CHAPTER V—II (5).—THE MOMINABAD CANTONMENT.

BRITISH-MOMINABAD ENACTMENTS.

1.-Special Local Laws.¹

Order for the maintenance of peace, etc.

No. 839-I, dated the 25th February, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Mominabad :—

1. The Bazar Regulations of the Hyderabad Contingent Stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment, or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the Station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the Station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent, subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations issued by the Officer Commanding the Station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine, with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence or any person of notoriously bad character, and the Officer Commanding the Station may expel such person or persons from the said limits.

7. Any person resident beyond the said limits, who is summoned as a witness and attends to give evidence in any proceeding under these orders, shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling, or attempting to smuggle, any spirituous liquor or intoxicating drug into the said limits, and any person, not being a vendor duly licensed, selling the same or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in such jail within the jurisdiction of the Resident at Hyderabad as the Resident may from time to time appoint.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

CHAPTER V—II (5).—THE MOMINABAD CANTONMENT—*concl'd.*

British-Mominabad Enactments—1. Special Local Laws¹—*concl'd.*

Order for the maintenance of peace, etc.—*concl'd.*

10. No person amenable to the Articles of War shall be tried under section 5 or section 8 of these orders without the previous sanction of the Officer Commanding the Station. Such sanction may be given generally or for a particular case.

11. Nothing herein contained shall apply to—

(a) any proceedings pending at the date of the issue of these orders; or

(b) proceedings against European-British subjects.

[See *Gazette of India*, 1892, Pt. I, p. 116.]

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

CHAPTER V—II (6).—THE RAICHUR CANTONMENT.

B.—BRITISH-RAICHUR ENACTMENTS.

1.-Special Local Laws.¹

Order for the maintenance of peace, etc.

No. 171-I., dated the 13th January, 1892.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders applicable to the Cantonment of Raichur :—

1. The Bazar Regulations of the Hyderabad Contingent Stations, so far as they apply to the said Cantonment, are repealed.

2. The administration of the police and the maintenance of the peace within the limits of the said Cantonment or within such lesser limits as may from time to time be fixed by order of the Resident, shall be vested in the Officer Commanding the Station.

3. The immediate charge of the police within the said limits shall, under the orders of the Officer Commanding the Station, be vested in the Superintendent of Police or in such other officer as may be specially appointed by the Resident or by the Officer Commanding the Hyderabad Contingent, subject to the Resident's confirmation.

4. All persons residing within the said limits shall be subject to all regulations issued by the Officer Commanding the Station and confirmed by the Resident for the maintenance of good order and fair dealing in the bazar, and for the prompt and efficient execution of such services as belong to their respective occupations.

5. All persons found guilty of a breach of any of the regulations specified in the preceding section shall be punishable with fine not exceeding one hundred rupees, and in default of payment of fine with imprisonment of either description not exceeding one month.

6. The officer in immediate charge of the police under these orders may arrest or cause to be arrested within the said limits any vagrant or suspicious person who has no ostensible means of subsistence, or any person of notoriously bad character, and the Officer Commanding the Station may expel such person or persons from the said limits.

7. Any person resident beyond the said limits, who is summoned as a witness and attends to give evidence in any proceeding under these orders, shall be entitled to receive payment of his reasonable expenses at the rate of not less than one anna or more than four annas per day. The rate shall be fixed by the Court with reference to the rank and circumstances of the witness.

8. Any person smuggling or attempting to smuggle any spirituous liquor or intoxicating drug into the said limits, and any person, not being a vendor duly licensed, selling the same, or having in his possession within the said limits and without a permit from the proper authority more than half a bottle of any spirituous liquor or more than a quarter seer of any intoxicating drug, shall, on conviction, be liable to punishment as provided in section 5 of these orders.

9. All sentences of imprisonment passed under these orders shall be carried out in the Sikandarabad Jail.

10. No person amenable to the Articles of War shall be tried under section 5 or section 8 of these orders without the previous sanction of the Officer Commanding the Station. Such sanction may be given generally or for a particular case.

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

CHAPTER V—II (6).—THE RAICHUR CANTONMENT—*concl'd.*

B.-British-Raichur Enactments—1.-Special Local Laws¹—*cont'd.*

Order for the maintenance of peace, etc.—*concl'd.*

11. Nothing herein contained shall apply to—

- (a) any proceedings pending at the date of the issue of these orders ; or
- (b) proceedings against European British subjects.

[See *Gazette of India*, 1892, Pt. I, p. 40.]

¹ For Acts and other Special Local Laws in force in this Cantonment, see Chapter II and Section I of this Chapter, *supra*, pp. 33 and 561, respectively.

CHAPTER V.—THE HYDERABAD CONTINGENT STATIONS—*concl'd.*

SUPPLEMENTARY NOTE.

The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions, subordinate to the Resident at Hyderabad, has been arranged under directions issued by the Resident in 1871 and 1878.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS.

CHAPTER VI.

THE HYDERABAD RESIDENCY BAZARS.

The British enactments in force locally in the Hyderabad Residency Bazaars consist of—

A—British-Indian Enactment.

- 1.—Local Order under an Act in force generally in all Native States.

B.—British-Hyderabad Residency Bazars Enactments.

- 1.—Local Laws made by the Governor General in Council.

- (a) British-Indian Enactments locally applied.
- (b) Special Local Laws.¹

- 2.—Local Rules and Orders under—

- (a) British-Indian Enactments locally applied.
- (b) Special Local Laws.

¹ Some of the laws entered under this head are styled Rules; but they are all of the nature of principal rather than subsidiary enactments (*see* Preface to First Edition).

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS.

*A.—British-Indian Enactments.*1.-LOCAL ORDER UNDER AN ACT IN FORCE GENERALLY IN ALL NATIVE STATES.¹

Act.	Section.	Subject of Notification.	Reference.
Indian Income Tax Act, 1886 (II of 1886).	40	Authorizing the Superintendent of the Hyderabad Residency Bazars to exercise all the powers of a Collector as defined in the Act within the limits of the Hyderabad Residency Bazars.	<i>No. 24, dated the 20th February, 1886.</i> [<i>Hyderabad Residency Orders, 1886, Pt. I, p. 26.</i>]

¹ In addition to this notification, the notifications under 28 & 29 Vict., c. 15, s. 3, in Part I and the notifications under Acts in Chapter I of this Part (save the Notification No. 1639-I ; dated the 22nd May, 1885, under Act XXI of 1879) apply also to the Residency Bazars as being part of the Nizam's Dominions.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.**B.—British-Hyderabad Residency Bazars Enactments.*1.-(b) SPECIAL LOCAL LAWS.¹

When made.	Subject.	Notification.	Reference.
1877	Constituting a Court of Small Causes in the Residency Bazars for the trial of suits of a value not exceeding R250 of a Small Cause Court nature.	No. 25, dated the 9th March, 1877.	Printed <i>infra</i> , p. 627.
1879	Exempting from stamp-duty all bills of exchange and cheques drawn in British India and negotiated in the Bazars and exempting in the Bazars all bills of exchange, cheques, promissory notes and receipts from such duty.	No. 8, dated the 12th August, 1877.	Printed <i>infra</i> , p. 627.
1884	Rules regulating the reciprocal execution of decrees passed by the Nizam's City and Suburban Courts and the Superintendent, Hyderabad Residency Bazars, and for the realization of State demands of the British and His Highness the Nizam's Governments.	No. 26, dated the 19th December, 1884.	Printed <i>supra</i> , p. 445.
1889	Rules for the service of processes between the City and Suburban Courts and the Court of the Superintendent, Residency Bazars.	No. 6, dated the 11th April, 1889.	Printed <i>supra</i> , p. 457.
"	² Rules regulating the payment of expenses of complainants and witnesses in criminal cases.	No. 178, dated the 12th July, 1889.	Printed <i>supra</i> , p. 457.
"	Directing that the Nagpur Jail shall be deemed to be prison for the territories subject to the Resident.	No. 3723-I., dated the 20th September, 1889.	[Printed <i>supra</i> , p. 361.]
"	Notifying the Court of the Superintendent, Residency Bazars as having been established or continued by the Governor General in Council.	No. 1361-I., dated the 29th March, 1889.	[Printed <i>infra</i> , p. 694.]
1889 and 1890	Providing for— (1) Execution of decrees— (a) of British Indian Courts by the Court of the Superintendent of the Residency Bazars; (b) of the Court of the Superintendent of the Residency Bazars by other Courts in Native States established or continued by the Governor General in Council and <i>vice versa</i> , and (c) of certain Courts in Mysore and in Bombay Native States not established or continued by the Governor General in Council by the Court of the Superintendent of the Residency Bazars. (2) Service of Summons— (a) of British Indian Civil and Revenue Courts by the Court of the Superintendent of the Residency Bazars,	No. 1362-I. to 1364-I., dated the 29th March, 1889, and Nos. 2179-I. and 2183-I., dated the 2nd July 1890. No. 1366-I. to 1368-I., dated the 29th March, 1889, and No. 2182-I., dated	[Printed <i>infra</i> , pp. 696 to 698.] [Printed <i>infra</i> , pp. 700 and 701.]

¹ For Acts and other Special Local Laws in force in these Bazars, see Chapter II *supra*, p. 33.² These Rules were made for the Hyderabad Assigned Districts and were republished for information under the notification quoted above. They cancel the Resident's Book Circular No. I of 1892 addressed to, among other officials, the Superintendent, Residency Bazars, and are probably therefore now followed in these Bazars.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.**B.—British-Hyderabad Residency Bazars Enactments.*1.-(b) SPECIAL LOCAL LAWS¹—*concl'd.*

When made.	Subject.	Notification.	Reference.
1889 and 1890	(b) of the Court of the Superintendent of the Residency Bazars by Courts in Native States established or continued by the Governor General in Council and <i>vice versa</i> , and (c) of certain Courts in Hyderabad, Central India, Mysore and in Bombay Native States, not established or continued by the Governor General in Council by the Court of the Superintendent of the Residency Bazars.	<i>the 2nd July, 1890.</i>	
1895	Declaring that the powers and duties conferred on a District Judge by section 64 of the Administrator General's Act, 1874 (II of 1874), as amended by Act II of 1890, shall in the Bazars be exercised by the Superintendent.	<i>No. 10, dated the 14th February, 1895.</i>	Printed <i>infra</i> , p. 627.
1895	Regulations for the better administration of the Bazars.	<i>No. 300-I., dated the 10th September, 1895, as amended by No. 1811-I.B., dated the 1st July, 88, and No. 2126-I.B., dated the 4th August, 1898.</i>	Printed <i>infra</i> , p. 628.
1898	Rules for the control of the manufacture, conversion, possession and sale of arms, ammunition and military stores.	<i>No. 2134-I.B., dated the 5th August, 1898.</i>	Printed <i>supra</i> , p. 462.
1899	Rules regarding the administration of the Residency Local Fund (Reserved Heads).	<i>No. 78, dated the 21st November, 1899.</i>	[<i>Hyderabad Residency Orders, 1899, Supplement p. 109.</i>]

¹ For Acts and other Special Local Laws in force in these Bazars, see Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.**B.—British-Hyderabad Residency Bazars Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
² Court-fees Act, 1870 (VII of 1870).	20 (i) and (ii).	Rules as to fees chargeable for serving and executing processes issued by the Judicial Commissioner's Court and all Subordinate Civil Courts in the Bazars.	No. 80, dated the 22nd November, 1899. [Printed <i>supra</i> , p. 481.]
Ditto . . .	26	Applying Finance Department, Notification ³ No. 1494-S.R., dated the 29th March, 1895, with modifications.	No. 1881-I., dated the 11th June, 1895. [Printed <i>infra</i> , p. 651.]
Ditto . . .	26 and 35	Applying Notification ⁴ No. 361, dated the 18th April, 1883.	No. 1839-I., dated the 30th May, 1894. [Printed <i>infra</i> , p. 651.]
Ditto . . .	35	Applying certain portions of Finance Department Notification ⁵ No. 4650, dated the 10th September, 1889.	No. 1840-I., dated the 30th April, 1894. [Printed <i>infra</i> , p. 651.]
Ditto . . .	"	Directing that no Court-fee shall be charged on applications for fines or portions of fines the refund of which has been ordered by competent authority.	No. 2991-I B., dated the 25th September, 1896. [Printed <i>supra</i> , p. 360.]
⁴ Indian Registration Act, 1877 (III of 1877).	4, 5, 6 and 7	Directing that the powers and duties of the Inspector General of Registration under the Act shall be exercised and performed by the First Assistant to the Resident, declaring the Bazars to be a district and a sub-district, appointing a Registrar and Sub-Registrar and indicating their offices.	No. 55, dated the 21st November, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 418.]
Ditto . . .	69	Applying the Rules under section 69 of the Act in force in Berar to the Bazars subject to the modification that the languages deemed to be commonly used in the offices of the Registrar and Sub-Registrar for the Bazars shall be Urdu and English.	No. 4, dated the 4th March, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 44.]
Ditto . . .	78	Applying to the Bazars the table of fees under section 78 of the Act in force in Berar and Sikanderabad.	No. 3, dated the 4th March, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 42.]

¹ See also Chapter II *supra*, p. 33.² These Acts are in force in the Residency Bazars (see Chapter II, *supra*) in virtue of Notification No. 1811-I. B., dated the 1st July, 1899 (*supra*, p. 39), as part of the Combined Area described in that Chapter. These rules are also in force in the rest of the combined areas and were issued while this Volume was passing through the Press.³ See *Gazette of India*, 1895, Pt. I, p. 285.⁴ See *Gazette of India*, 1883, Pt. I, p. 159.⁵ See *Gazette of India*, 1889, Pt. I, p. 506.

CHAPTER VI—THE HYDERABAD RESIDENCY BAZARS—*contd.**B.—British-Hyderabad Residency Bazars Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED,¹
—*contd.*

Act.	Section.	Subject of Notification.	Reference.
² Probate and Administration Act, 1881 (V of 1881).	36	Authorizing the Deputy Commissioners, Hyderabad Assigned Districts, and the Assistant Cantonment Magistrate, Sikandarabad, to receive applications for letters of administration and probate within the Bazars.	No. 51, dated the 25th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 251.]
³ Indian Telegraph Act, 1885 (XIII of 1885).	„	Adopting the Rules in force in British India under this Act for the Residency Bazars.	No. 4452-I., dated the 29th December, 1890. [Printed <i>infra</i> , p. 652.]
Epidemic Diseases Act, 1897 (III of 1897).	2 (3)	Delegating powers under section 2 (1).	No. 1252-I.A., dated the 3rd April, 1899. [Printed <i>supra</i> , p. 405.]
⁴ Code of Criminal Procedure, 1898 (Act V of 1898).	37	Investing Magistrates of the 1st, 2nd and 3rd class with the additional powers enumerated in Schedule IV of the Act.	No. 336, dated the 17th October, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 268.]
⁵ Indian Stamp Act, 1899 (II of 1899). ⁶	3 and 9	Appointing the Superintendent of the Bazars for the time being to be the Collector within the limits of the Bazars with effect from the 1st October, 1879.	No. 7, dated the 15th April, 1890. [Hyderabad Residency Orders, 1890, Pt. I, p. 78.]
Ditto . . .	9	Applying Finance Department Notification ⁷ No. 4345, dated the 19th October, 1891.	No. 1837-I., dated the 30th May, 1894. [Printed <i>infra</i> , p. 652.]
Ditto . . .	„	Applying with modifications the provisions of Finance Department Notification ⁸ No. 5855, dated the 22nd November, 1889.	No. 1834-I., dated the 30th May, 1894. [Printed <i>infra</i> , p. 652.]
Ditto . . .	10	Applying Finance Department Notification ⁹ No. 2086, dated the 30th June, 1882.	No. 1835-I., dated the 30th May, 1894. [Printed <i>infra</i> , p. 653.]
Ditto . . .	10, 16, 18, 49, 50 and 75.	Applying Finance Department Notification ¹⁰ No. 2170, dated the 22nd May, 1891, with modifications.	No. 1836-I., dated the 30th May, 1894. [Printed <i>infra</i> , p. 653.]

¹ See also Chapter II *supra*, p. 33.² These Acts are in force in the Residency Bazars (see Chapter II, *supra*) in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1632-I.B., dated the 16th June, 1899, (*supra*, p. 39) as part of the Conbined Areas described in that Chapter.³ These Notifications issued under Act I of 1879. They are kept in force by s. 24 of the General Clauses Act, 1897 (X of 1897), which is in force in the Bazars in virtue of the Notification referred to.⁴ See *Gazette of India*, 1891, Pt. I, p. 602.⁵ See *Gazette of India*, 1889, Pt. I, p. 686.⁶ See *Gazette of India*, 1892, Pt. I, p. 257.⁷ See *Gazette of India*, 1891, Pt. I, p. 281.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.**B.—British-Hyderabad Residency Bazars Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Section.	Subject of Notification.	Reference.
1895	Hyderabad Residency Bazars Administration Regulation, 1895.	23	² Rules regulating latrines in the Bazars and imposing a conservancy tax therein.	No. 11-A., dated the 3rd May, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 110.]
"	Ditto . . .	102	Rules for the suppression of mendicancy and for the removal and exclusion of certain persons from the Bazars.	No. 36, dated the 27th August, 1897. [Hyderabad Residency Orders, 1897, Supplement, p. 145.]
1899	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	8 (1) and (3) of Law applied.	Declaring that the Court of the Assistant Commissioner holding the office of Superintendent, Residency Bazars, shall be that of an Assistant Commissioner of the 1st class and that the local limits of the jurisdiction of the Court shall be the limits of the Bazars	No. 30, dated the 4th July, 1898. [Hyderabad Residency Orders, Extraordinary, dated the 4th July, 1898.]
"	Ditto . . .	9 (1) of Law applied.	Investing the Assistant Cantonment Magistrate of Sikandarabad with all the powers of the Court of the Deputy Commissioner under the Law and declaring that those powers shall be exercised within, among other areas, the Residency Bazars.	No. 47, dated the 17th July, 1899. [Hyderabad Residency Orders, 1898, Pt. I, p. 250.]
"	Ditto . . .	10 (1) of Law applied.	Conferring on the Court of the Superintendent of the Residency Bazars, with effect from the 4th July, 1898, the jurisdiction of a Court of Small Causes under the Hyderabad Assigned Districts Small Cause Courts Law, 1889, to try suits cognizable by such Courts up to Rs500 in value.	No. 25, dated the 1st March, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 93.]
"	Ditto . . .	12 (2) of Law applied.	Directing that the Assistant Commissioner holding the office of Superintendent, Residency Bazars, shall be subject to the control of, and be subordinate to, the Court of the Judicial Commissioner only.	No. 31, dated the 4th July, 1898. [Hyderabad Residency Orders, Extraordinary, dated the 7th July, 1898.]
"	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	4 (2) of Law applied.	Declaring the Hyderabad Residency Bazars to be within the local limits of the jurisdiction of the Small Cause Court at Sikandarabad.	No. 48, dated the 17th July, 1899. [Hyderabad Residency Orders, 1898, Pt. I, p. 250.]

¹ See also Chapter II *supra*, p. 88.² These Rules issued under the Hyderabad Local Fund Rules. They are kept in force by the second paragraph of s. 1 (iv) of this Regulation.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.**B.—British-Hyderabad Residency Bazars Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS¹—*concl'd.*

When made.	Subject of Law.	Section of Law applied	Subject of Notification.	Reference.
1898	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	5 (1) and 10 (3).	Appointing a Judge of the above Court and determining that the value of the civil suits cognizable by him shall not exceed ₹1,000.	No. 33, dated the 4th July, 1898. [Hyderabad Residency Orders, Extraordinary, dated the 7th July, 1898.]
„	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	16 (2)	Extending, with modifications, the rules regulating procedure in the Berars for obtaining civil and criminal judicial records and prescribing fees for such copies.	No. 75, dated the 8th November, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 342.]

¹ See also Chapter II *supra*, p. 33.

B.—BRITISH-HYDERABAD RESIDENCY BAZARS ENACTMENTS.

1.-(b) Special Local Laws.

Establishment of a Small Cause Court.

¹ *No. 25, dated the 9th March, 1877.*—By virtue of the authority vested in him by the Government of His Highness the Nizam, and with the concurrence of the said Government, the Resident is hereby pleased to constitute a Court of Small Causes in the Residency Bazars for the trial of suits of value not exceeding Rs. 250 of a small cause nature, as described in section 6 of Act XI of 1865,² provided that the defendant at the time of commencement of the suit in such Court shall dwell or personally work for gain or carry on business within the local limits of the said Residency Bazars, so that the cause of action arose within the said local limits, and the defendant at the time of the commencement of the suit shall, by his servant or agent, carry on business or work for gain within those limits.

2. The procedure of the Court will (so far as the case is applicable) be in accordance with that laid down in the said Act XI of 1865,³ and will be subject to such rules as have already been, or may hereafter be, framed under the provisions of that Act.

3. The Superintendent of the Residency Bazars will be the Judge of the Residency Small Cause Court established under this order, which latter will have effect from the 1st April, 1877.

[See *Hyderabad Residency Orders*, 1877, p. 149.]

Exemption of Bills of Exchange, etc., from Stamp-duty.

No. 8, dated the 12th August, 1879.— * * * * *
Bills of exchange and cheques which may be drawn in British India and on account of which the full rate of stamp duty may have been paid there, shall be exempted from further payment of stamp-duty on being negotiated in the Residency Bazars.

All bills of exchange, cheques, promissory notes and receipts shall be exempt from stamp-duty in the Residency Bazars.

[*Hyderabad Residency Orders*, 1879, p. 340.]

Rules regulating the reciprocal execution of decrees between the City and Suburban (Nizam's) Courts and the Court of the Superintendent of the Bazars.

No. 26, dated the 19th December, 1884, printed supra, p. 415.

Nagpur Jail declared to be a prison for territories subject to Resident.

No. 3727-I., dated the 20th September 1899, printed supra, p. 361.

¹ See also Notification No. 25, dated the 1st March, 1899, noted *supra*, p. 625, and Nos. 33, dated the 4th July, 1898, and 48, dated the 17th July, 1899, noted *ibid.* The Criminal Courts established by Notification No. 1637-I., dated the 22nd May, 1885 (*Gazette of India*, 1885, Pt. I, p. 304), which was repealed by Notification No. 1811-I.B., dated the 1st July, 1898, are continued by paragraph 2 (Proviso) of that Notification, *see supra*, p. 39.

² See now the Hyderabad Assigned Districts Small Cause Courts Law, 1889, which is in force in these Bazars in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

³ The first part of this notification here omitted relates to the application of the Stamp Act, 1879 (I of 1879), to these Bazars. It was cancelled by Notification No. 1833-I., dated 30th May, 1894. The Act now in force is Act II of 1899, in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1632-I.B., dated the 24th June, 1899, printed *supra*, p. 39. So far as it relates to the exemption of bills of exchange, etc., drawn in British India, etc., when negotiated in the Bazars, it is superseded by Notification No. 1834-I., dated the 30th May, 1894, printed *infra*, p. 652.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.*B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*

Court established or continued by the Governor General in Council and the reciprocal execution of decrees and service of summons between such Courts, British Indian Courts, and certain Courts in Native States.

Nos. 1301-I. to 1365-I., and Nos. 1366-I. to 1368-I., dated the 29th March 1899, and Nos. 2179-I. to 2182-I. and 2183-I., dated the 2nd July 1890, printed infra, pp. 694 to 701.

Powers and duties of a District Judge under the Administrator General's Act, 1874.

No. 10, dated the 4th February, 1895.—In exercise of the power conferred by the Notification of the Government of India in the Foreign Department, No. 3542-I., dated the 27th August 1891, the Resident at Hyderabad is pleased to declare that the powers and duties which are conferred and imposed on a District Judge by section 64 of the Administrator General's Act (II of 1874) as amended by section 13 of Act II of 1890, shall in the Hyderabad Residency Bazars be exercised by the Superintendent, Residency Bazars.

[See *Hyderabad Residency Orders*, 1895, Pt. I, p 27.]

Regulations for the better Administration of the Hyderabad Residency Bazars, 1895.

No. 3001-I., dated the 10th September, 1895.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the following Regulation shall come into force in the Hyderabad Residency Bazars from the date of this notification :—

CHAPTER I.

PRELIMINARY.

1. (i) This Regulation may be called “a Regulation for the better administration of the Hyderabad Residency Bazars, 1895.”

Short title, local extent, and commencement.

(ii) It extends to the whole of the Hyderabad Residency Bazars as defined from time to time by notification in the *Residency Orders*.

(iii) It shall come into force on such day as the Governor General in Council by notification in the *Gazette of India* appoints in that behalf.

(iv) On and with effect from that day, the Local Fund Rules for the Residency Bazars, Hyderabad, 1884, sanctioned under the Notification by the Government of India in the Foreign Department, No. 250-I., dated the 18th January, 1893, shall be cancelled.

But all orders, declarations, rules, and regulations made, directions, licenses, and permits given, taxes imposed, and notifications published under any of the said rules shall be deemed to have been respectively made, given, imposed, and published under this Regulation.

2. In this Regulation, unless there is anything repugnant in the subject or context,—

Definitions.

(i) “Committee” means the Committee constituted under this Regulation :

(ii) “Resident” means the Resident at Hyderabad :

¹ See also Chapter II *supra*, p. 39.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS —*contd.***B.-British-Hyderabad Residency Bazars Enactments—1.(b)-Special Local Laws** —*contd.***Regulations for the better administration, etc.—contd.**

- (iii) "inhabitant" includes any person ordinarily residing or carrying on business or owning or occupying immovable property in the area to which this Regulation extends:
- (iv) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the roadway and footway over any public bridge or causeway:
- (v) "owner" includes the person for the time being receiving the rent of any land or building, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose or who would so receive the same if the land or building were let to a tenant:
- (vi) "notification" means a notification published by authority of the Resident in the *Residency Orders*:
- (vii) "notified" means published as aforesaid:
- (viii) "prescribed" means prescribed by rules made by the Resident under this Regulation: and
- (ix) "Superintendent" means the Assistant Commissioner for the time being in charge of the Residency Bazars.

CHAPTER II.

ORGANIZATION AND CONSTITUTION OF THE COMMITTEE.

3. There shall be established a Committee consisting of—

- Constitution of Committee.
- (a) the Superintendent;
 - (b) such persons, not less than six, as the Resident may appoint in that behalf.

4. (i) The term of office of a member of the Committee shall be fixed by the Resident, by rule made under this Regulation, and may be so fixed as to provide for the retirement of members by rotation, but shall not exceed three years.

(ii) An outgoing member shall, if otherwise qualified, be again eligible for appointment.

5. Any member may resign by notifying in writing his desire to do so to the Resident, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

6. The Resident may remove any appointed member of a Committee—

- (a) if he refuses to act, or becomes in the opinion of the Resident incapable of acting, or is declared insolvent, or is convicted of any such offence or subjected by a Criminal Court to any such order as implies, in the opinion of the Resident, a defect of character which unfits him to be a member;
- (b) if he has been declared by notification to be disqualified for employment in the public service;
- (c) if he, without an excuse sufficient in the opinion of the Resident, neglects for more than three consecutive months to be present at the meetings of the Committee;

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B. British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

- (d) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order: or
- (e) when he is a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.
- Time of Committee coming into existence. 7. The Committee shall come into existence at such time as the Resident may, by notification, appoint in that behalf.
- Consequences of establishment of the Committee. 8. When the Committee comes into existence under section 7, the following consequences shall ensue, namely:—
- (a) the Committee constituted under the Local Fund Rules, 1884, shall cease to exist;
- (b) and all property vested in it shall, for the purposes of this Regulation and subject to all rights (if any) existing over, and all debts, liabilities and obligations (if any) affecting that property, form part of the Residency Bazars Fund hereinafter described;
- (c) an officer employed by the Committee mentioned in clause (a) at the time when the Committee established under this Regulation comes into existence shall be deemed to be similarly employed by the latter Committee; and
- (d) the Committee established under this Regulation shall be substituted for the abolished Committee in all legal proceedings by or against the latter pending at the time when it ceased to exist.

Chairman and Vice-Chairman.

The duties of the Superintendent. 9. (i) The Superintendent shall be *ex-officio* Chairman of the Committee.

(ii) The Superintendent shall be responsible for the proper maintenance of the accounts: he shall prepare the annual budget and such supplementary budgets as may from time to time be necessary, and the annual administration report, and lay the same before the Committee:

Provided that the Superintendent shall not incur any expenditure not provided for in the budget without the sanction of the Resident.

10. (i) The Committee shall, from time to time, elect one of its members to be its Vice-Chairman.

Election of Vice-Chairman.

(ii) The term of office of a Vice-Chairman shall be one year:

Provided that, if at the time of his election as Vice-Chairman, the residue of his term of office as member of the Committee is less than one year, his term of office as Vice-Chairman shall be the residue of his term as member.

(iii) An outgoing Vice-Chairman shall, if otherwise qualified, be again eligible for election as Vice-Chairman.

(iv) The Vice-Chairman may resign by notifying in writing his intention to do so to the Superintendent, and, on his resignation being accepted by the Resident, he shall be deemed to have vacated his office.

Conduct of Business.

11. (i) The Committee shall meet for the transaction of business at least once in every month on such day as may, from time to time, be fixed by the rules made under section 101.

Time for holding meetings.

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1.(b)-Special Local Laws'—*contd.*****Regulations for the better administration, etc.—*contd.***

(ii) The Chairman may, whenever he thinks fit, convene a meeting at any other time.

12. (i) The quorum necessary for the transaction of business at a meeting of the Committee shall be one-third of the whole Committee.

Quorum.

Chairman of meeting.

13. (i) At every meeting of the Committee the Chairman, if present, shall preside.

(ii) In the absence of the Chairman the Vice-Chairman shall preside.

(iii) If both Chairman and Vice-Chairman are absent, the senior member present shall preside.

14. (i) Except as otherwise provided by this Regulation, or by any rule made by the Resident under this Regulation, all questions which may come before any meeting of the Committee shall be decided by the majority of the votes of the members present.

Vote of majority decisive.

(ii) In case of an equality of votes, the Chairman of the meeting shall have a second or casting vote.

15. The following are the powers and duties of the Committee:—

(a) to submit through the Superintendent for the Resident's approval or orders the budget and supplementary budgets prepared by the Superintendent with such remarks as may appear to it advisable;

(b) to consider the annual administration report prepared by the Superintendent, and to submit it through that officer to the Resident with such remarks as may appear to it advisable;

(c) to express an opinion on all matters laid before it by the Superintendent;

(d) to call the attention of the Superintendent to any neglect of the provisions of this Regulation, to any waste of property under its management, and to the wants of any locality, and to suggest any improvement that may seem desirable.

16. The Residency Surgeon and the Assistant Secretary to the Resident in, the Certain officers entitled to attend Public Works Department, when not members, and speak. shall be entitled to attend any meeting of the Committee, and to address the Committee on any matter affecting respectively sanitation and public works.

17. (i) Every resolution passed by the Committee at a meeting shall be recorded Resolutions to be recorded and in a book kept for the purpose and shall be published. signed by the Chairman.

(ii) A copy of every resolution passed by the Committee at a meeting shall, within ten days from the date of the meeting, be forwarded to the First Assistant Resident, for the information of the Resident.

Officers and Servants.

18. Subject to the other provisions of this Regulation and to the general control Employment of other officers and of the Resident, the appointment of such officers and servants as may be necessary or proper for the

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.*B.-British-Hyderabad Residency Bazars Enactments—1.(b)-Special Local Laws—*contd.*Regulations for the better administration, etc.—*contd.*

efficient execution of the provisions of this Regulation shall rest with the Superintendent.

19. In the case of an officer or servant appointed under the preceding section or employed under section 8 (c), the Superintendent may—
Pensions of officers.

(i) grant him—

(a) leave allowances ;

(b) if he is not entitled to pension, or if his monthly pay does not exceed ten rupees, a gratuity on resignation or retirement ; and

(ii) if empowered in this behalf by the Resident—

(a) subscribe on his behalf for pension or gratuity under the rules contained in the Civil Service Regulations for the time being in force ; or

(b) purchase for him from the Government or otherwise an annuity on his retirement :

Provided that no pension, gratuity, leave allowance or annuity shall exceed the sum to which, under the Civil Service Regulations for the time being in force, the officer or servant would be entitled if the service had been service under the Government.

Contracts.

20. (i) The Superintendent may, on behalf of the Committee, enter into any contract whereof the value or amount does not exceed two hundred rupees.
Authority to contract.

(ii) A contract whereof the value or amount exceeds two hundred rupees shall not be executed until it has been sanctioned by the Committee at a meeting.

21. (i) Every contract made by or on behalf of the Committee whereof the value or amount exceeds fifty rupees, shall be in writing.
Mode of executing contracts.

(ii) Every such contract shall be signed by the Superintendent.

(iii) If a contract to which this section applies is executed otherwise than in conformity therewith, it shall not be binding on the Committee.

CHAPTER III.

TAXATION.

22. (i) Subject to any general rules or special orders which the Governor General in Council may make in this behalf, the Resident may, from time to time, for the purpose of this Regulation and in the manner by this Regulation directed, impose in the area to which this Regulation extends any of the following taxes, namely :—
Taxes which may be imposed.

(a) a tax on buildings and lands not exceeding seven-and-half per centum on the annual value ;

(b) a tax on persons practising any profession or art or carrying on any trade or calling in the Residency Bazars not exceeding two-and-a-half per centum on the annual income derived from such practice ;

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- (c) a tax not exceeding Rs. 4 a quarter on every vehicle, animal used for riding, driving, draught or burden, or dog kept within the Residency Bazars ;
- (d) a toll not exceeding one anna on every vehicle and animal used as aforesaid entering the Residency Bazars ;
- (e) an octroi on animals for slaughter, or goods, or both, brought within the Residency Bazars for consumption or used therein, such octroi not exceeding one anna on each animal and not exceeding Rs. 4 a maund or 4 per centum *ad valorem* on any such goods as aforesaid ;

and, with the previous sanction of the Governor General in Council, any other tax:

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (d) of this sub-section by paying the tax which would have been leviable in respect thereof under clause (e) if the same had been kept within the area to which this Regulation extends.

(ii) In this section "annual value" means the gross annual rent for which buildings or lands liable to taxation may reasonably be expected to let.

23. When the Committee has, with regard to any buildings or lands, in exercise of the powers conferred by this Regulation, provided for the performance by its agents of the duties usually performed by sweepers, it may, with the previous sanction of the Resident and in the manner by this Regulation directed, impose upon those buildings and lands, in addition to any other tax imposed upon them under this Regulation, a tax, to be called the scavenging-tax, at such rate or of such amount as it thinks fit:

Provided that in fixing the rate or amount of such tax regard shall be had to the principle that the total net proceeds of the tax should not exceed the cost of the performance of the said duties.

24. Besides the taxes mentioned in the foregoing sections, the Committee, with the previous sanction of the Resident, may, for the purpose of constructing or maintaining works for the supply of water or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner by this Regulation directed, a tax, to be called the water-tax, upon buildings or lands which are so situated that their occupiers can benefit by the works:

Provided that, in fixing the rate of such tax, regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supplied from the works under special contracts, should not exceed the amount required for the said purpose.

25. No tax shall come into force until one month after it has been notified. The Resident may, by notification, abolish or reduce in amount any tax imposed under the foregoing sections.

26. (i) The Committee may by resolution exempt in whole or in part from the payment of any such tax any person who by reason of poverty may in its opinion be unable to pay the same.

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

(ii) The Governor General in Council may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

27. No tax imposed under this Regulation shall be invalid merely for defect of form; and it shall be enough in the case of any tax on property or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known; and it shall not be necessary to name the owner or occupier thereof.

28. Any tax imposed under the foregoing sections and payable periodically shall be payable on such dates and in such instalments (if any) as the Resident may, from time to time, prescribe.

29. For all sums paid on account of any tax under this Regulation, a receipt stating the amount and the tax on account of which it is paid, shall be given, on his application, to the person making the payment.

30. (i) An appeal against the assessment or levy of any tax under this Regulation shall lie to the First Assistant to the Resident.

(ii) The order of the appellate authority shall be final.

31. (i) No appeal shall lie in respect of a tax on any building or land unless it is preferred within one month after the publication of the notice of assessment to be prescribed under section 101, and no appeal shall lie in respect of any other tax unless it is preferred within one month from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the appellate authority that he had sufficient cause for not presenting it sooner.

(ii) No appeal shall be entertained unless the amount of the tax to which it relates is deposited with the Committee before the appeal is preferred.

32. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than in this Regulation provided.

33. Every person bringing or receiving within the Residency Bazars any article on which octroi is payable, shall, when required by an officer authorized by the Superintendent in that behalf and so far as may be necessary for ascertaining the amount of tax chargeable—

(a) permit that officer to inspect, examine, weigh or otherwise deal with the article, and

(b) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature that he may possess relating to the article.

¹ See also Chapter II *supra*, p 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

34. If after the imposition of an octroi tax any person bringing or receiving a conveyance or package within the Residency Bazars refuses, on the demand of an officer authorized by the Superintendent in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any articles in respect of which octroi is payable, such officer may cause the conveyance or package to be taken without unnecessary delay before a Magistrate, who shall cause the inspection to be made in his presence.

35. Every officer demanding octroi by authority of the Superintendent shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed, and the rate at which the tax is calculated.

36. (i) In case of non-payment of octroi on demand, the officer empowered to collect the same may seize any article on which it is chargeable, or any part thereof of sufficient value to satisfy the demand.

(ii) The Superintendent may, after the lapse of five days from the seizure and the issue of a proclamation fixing the time and date of sale, cause property so seized, or so much thereof as is necessary, to be sold by auction to satisfy the demand, with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid :

Provided that articles of a perishable nature may be sold after the lapse of such shorter time as the Superintendent, having regard to the nature of the articles, may think necessary in order to avoid serious risk or damage.

CHAPTER IV.

RESIDENCY BAZARS FUND AND PROPERTY.

37. (i) There shall be formed a Residency Bazars Fund, and there shall be placed to the credit thereof—
Constitution of Residency Bazars Fund.

(a) all sums received by or on behalf of the Committee under this Regulation or otherwise ;

(b) all fines realised in cases in which prosecutions are instituted under this Regulation or the rules made hereunder, or under section 34 of Act V of 1861 for offences committed within the Residency Bazars ;

(c) the property described in section 8 (b) of this Regulation ;

and this fund, together with all property purchased at its expense, and all property of the nature hereinafter in this section specified and situated within the Residency Bazars, shall be vested in, and belong to the Resident ; and, subject to the provisions of this Regulation and of the rules framed thereunder and to the control of the Resident, the management thereof shall be entrusted to the Committee;

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

- (ii) The property referred to in clause (c) of sub-section (i) includes—
- (a) all public streets and bridges and the pavements, stones and other materials thereof ;
 - (b) all land or property acquired by Government or by the Resident or Committee for local public purposes, and all open spaces, not being private property, adjacent to any street or appertaining to any public place or building or which now are managed by or under the control of the Committee ;
 - (c) all public sewers, drains, culverts and water-courses alongside or under any public street, and all works, materials and things appertaining thereto ; and
 - (d) all dust, dirt, sewage, refuse, filth and rubbish of any kind, collected by the Committee from the streets, houses, privies, sewers, cesspools or elsewhere, or deposited in any place set apart by them for that purpose.
38. (i) The Superintendent shall, subject to the provisions of this Regulation, Application of fund. set apart and apply annually out of the Residency Bazars Fund—
- (a) *first*, such sum as may be required for the payment of any amounts falling due on any loan legally contracted for, or on behalf of, the Committee ;
 - (b) *secondly*, such sum as may be required to meet the charges of the Committee's establishment, including such subscriptions, contributions and payments as are referred to in section 19, and such sum as may be required for the maintenance of a police establishment under Chapter V of this Regulation.
- (ii) Subject to the charges specified in sub-section (i) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the Committee, the Residency Bazars Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters within the Residency Bazars, namely :—
- (a) the construction, maintenance, improvement, cleansing and repair of public streets, bridges, drains, latrines, and water-courses ;
 - (b) the watering and lighting of such streets or any of them ;
 - (c) the construction, establishment and maintenance of rest-houses, markets, pounds and other works of public utility ;
 - (d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions ;
 - (e) the supply, storage and preservation from pollution of water for the use of men or animals ;
 - (f) the planting and preservation of trees ;
 - (g) the taking of a census, the registration of births, marriages and deaths, public vaccination, and any other sanitary measure ;
 - (h) the destruction of stray and ownerless dogs ;

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

- (i) all acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Committee, with the sanction of the Resident, to be an appropriate charge on the Residency Bazars Fund.

39. The Residency Bazars Fund may be deposited with the Bank of Bengal or with any banker, or person acting as a banker, who has given such security for the safe custody and repayment on demand of the fund so deposited as the Resident may in each case think sufficient.

40. (i) The Committee may, from time to time, with the previous sanction of the Resident, invest any portion of the Residency Bazars Fund in securities of the Government of India or such other securities as the Governor General in Council may, from time to time, approve in this behalf, and vary such investments for others of a like nature.

(ii) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Residency Bazars Fund.

CHAPTER V.

RESIDENCY BAZARS POLICE.

41. There shall be maintained out of the Residency Bazars Fund a police establishment for watch and ward and the prevention and suppression of crime within the Residency Bazars, and for the enforcement of this Regulation and of the rules and orders thereunder. This establishment shall be a part of the general police force under the Resident within the meaning of section 2 of Act V of 1861, and shall consist of such number of officers and men, and the officers and men shall receive such pay, leave allowances, gratuities and pensions, as the Resident may direct.

42. When special police protection is, in the opinion of the Resident, requisite as on the occasion of any fair, show, exhibition, religious ceremony or festival, the Resident may provide such protection, and shall debit against the Residency Bazars Fund so much of the cost thereof as he may think equitable.

CHAPTER VI.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and Buildings.

43. When any land is required for a new street or for the improvement of an existing street, the Committee may cause to be acquired, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on the sides of the street.

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

44. The Superintendent, with the concurrence of the Committee, may close temporarily any streets or parts thereof for any public purpose, and with the Resident's permission may divert, discontinue or permanently close any street.

Power to close streets.
45. The Superintendent may grant permission in writing for the temporary occupation of any street for the deposit of materials, temporary excavation or erection subject to such conditions and the payment of such fees as the Resident may prescribe, and may at his discretion withdraw such permission.

46. The Superintendent may attach to the outside of any building brackets for lamps in such manner as not to cause injury thereto or inconvenience.

Power to attach brackets for lamps.
47. The Committee at a meeting may name any street, and the Superintendent may cause that name and likewise any number to be affixed on any building, and may from time to time cause the same to be altered.

Names of streets and numbers of buildings.
Whoever destroys, pulls down, alters or defaces any such name or number shall, on conviction by a Magistrate, be punished with a fine that may extend to twenty rupees.

48. Every person intending to erect, re-erect, alter or repair any upper storey or other building shall give notice of his intention to the Superintendent, and shall, if required to do so, submit a plan showing the levels at which the foundations and lowest floor are proposed to be laid and specifications of the works intended to be constructed and the materials to be used, and shall obey any written directions consistent with this Regulation given by the Superintendent thereupon; and the Superintendent, with the concurrence of the Committee, may prohibit such erection, re-erection, alteration or repair, if in his opinion it is likely to be injurious to the neighbourhood or in respect of free passage or roadway, free circulation of air, facilities of scavenging, ventilation, drainage level, stability, line of frontage or any other matter which the Resident may from time to time prescribe :

Provided that no compensation shall be claimable on account of any direction or prohibition under this section.

If the erection, re-erection, alteration or repair of any building is begun without the permission of the Superintendent, or in disobedience to any direction issued by the Superintendent, under this section, or continued contrary to those directions, the Superintendent may, by notice, require such building to be altered or demolished, and the person so erecting, re-erecting, altering or repairing shall, on conviction by a Magistrate, be liable to a fine not exceeding five hundred rupees.

49. The Superintendent, with the concurrence of the Committee, may, by notice in writing, require the owner or occupier of any building to remove or alter any projection, encroachment or obstruction built or placed against or in front thereof, if the same overhangs or projects into or encroaches on any street, public drain, aqueduct or sewer.

50. The Committee may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and

¹ See also Chapter II *supra*, p. 83.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

may also set apart suitable places for washing animals or clothes, or for any purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart or at times or by persons other than those specified, and all other acts by which water in public places may be rendered foul or unfit for use.

Deposit of Offensive Matter and Slaughter-places.

51. The Committee may fix places within, or, with the approval of the Resident, beyond, the limits of the Residency Bazars for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may by public notice give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or the dead bodies of animals may be removed along any street and deposited at such places.

52. (i) The Committee may fix and abolish places either within, or, with the approval of the Resident, beyond, the limits of the Residency Bazars for the slaughter of animals or any specified description of animals for sale, and may, with the like approval, grant and withdraw licenses for the use of such places, or, if they belong to the Committee, charge rent or fees for the use of the same.

(ii) When any such place has been fixed, no person shall slaughter any such animal for sale within the Residency Bazars at any other place.

(iii) Whoever slaughters any such animal at any other place for sale within the Residency Bazars shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

Burial and Burning places.

53. (i) The Committee may by public notice order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood, to be closed from a date to be specified in the notice.

(ii) Private burial-places in such burial-grounds may be excepted from the notice, subject to such conditions as the Committee may impose in this behalf.

(iii) No burial or burning-ground, whether public or private, shall be made or formed after the passing of this Regulation without the permission in writing of the Resident.

(iv) If any person buries or burns, or causes or permits to be buried or burnt, any corpse in any burial or burning-ground made or formed contrary to the provisions of this section, or after the dates fixed thereunder for closing the same, he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

(v) The Resident may by notification prescribe routes for the removal of corpses to burial or burning-places.

Inflammable Materials.

54. The Superintendent may, where it appears to him to be necessary for the prevention of danger to life or property, by public notice prohibit all persons from stacking or collecting inflammable materials.

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments—1.(b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

dry grass, straw or other inflammable materials, or placing mats, or erecting booths or thatched huts, or lighting fires in any place or within any limits specified in the notice.

Powers of Entry and Inspection.

55. (i) The Superintendent, or any person authorised by him in this behalf, may, after giving six hours' notice in writing to the occupier of any land or building in which any drain, privy or cess-pool is situated, inspect any such drain, privy or cess-pool at any time between sunrise and sunset, and may, if necessary, cause the ground to be opened wherever he may think fit for the purpose of preventing or removing any nuisance arising therefrom.

(ii) If on such inspection it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner of the land or building or by the occupier, as the Superintendent may direct; but if it is found that no nuisance exists, or but for such opening would have existed, the ground shall be closed and made good as soon as may be, and the expense of opening, closing and making it good shall be paid from the Residency Bazars Fund.

56. The Superintendent, or any person authorized by him in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or, if there is no occupier, to the owner, of any building, at any time between sunrise and sunset enter and inspect the building, and may by notice direct all or any part thereof to be forthwith internally or externally lime-washed, disinfected or otherwise cleansed for sanitary reasons.

57. The Superintendent, or any person authorized by him in this behalf, may, after giving twenty-four hours' notice in writing to the occupier, or if there is no occupier, to the owner, of any building or land at any time between sunrise and sunset :

- (a) enter on and survey and take levels of any land ;
- (b) enter, inspect and measure any building for the purpose of valuation ; or
- (c) enter into any building or any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work authorised by this Regulation.

58. The Superintendent, or any person authorized by him in this behalf, may at any time between sunrise and sunset enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Regulation, for which a license has not been duly taken out.

59. The Superintendent, or any person authorized by him in writing in this behalf, may, at all reasonable times, enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for human consumption, or as a slaughter-house, or for the sale

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

of drugs, and inspect and examine any food or drink, drug or animal which may be therein, and if any article of food or drink, or any animal therein appears to be intended for human consumption and to be unfit therefor, may seize and remove the same or may cause it to be destroyed, or to be so disposed of as to prevent its being exposed for sale or used for such consumption ;

and, in case any drug is reasonably suspected to be adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause it to be brought before a Magistrate for enquiry whether any offence has been committed in respect thereof and for his orders as to its disposal.

60. (i) The Committee may provide for the performance by its agents of the duties usually performed by sweepers in respect of any buildings or lands or of any drains, privies cesspools or other receptacles for offensive matter pertaining to buildings or land.

(ii) Such provision may be made in respect of individual buildings or lands or of buildings or lands generally.

(iii) Nothing in this section or section 23 shall be deemed to preclude the Committee from making provision of a different nature for different buildings or lands, and charging scavenging-tax at different rates therefor, or from exempting wholly or in part from such tax at its discretion any individual who has made arrangements to its satisfaction for the performance of the duties aforesaid.

(iv) When the Committee has undertaken to provide for the performance by its agents of such duties as aforesaid, the persons employed by it to perform the same may enter on the property at all reasonable times so far as may be necessary for the proper discharge of those duties ; and the Superintendent, or any person authorized by him in this behalf, may enter on the property at all reasonable times for the purpose of ascertaining that such duties have been duly performed.

61. When any building used as a human dwelling is entered under this Regulation, due regard shall be paid to the social and religious sentiments of the occupiers, and before any apartment in the actual occupation of any woman who, according to custom, does not appear in public, is entered under this Regulation, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Water-pipes, Privies and Drains.

62. The Superintendent may, by notice in writing, require the owner of any building in any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the roof and other parts thereof and for discharging the same, so as not to inconvenience persons passing along the street.

63. (i) The Superintendent may, by notice in writing, require the owner of any building to provide any privy or cesspool, or additional privies or cesspools which should in his opinion be provided for the building, in such manner as to satisfy the general requirements of the Committee.

¹ See also Chapter II *supra*, p. 83.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

(ii) The Superintendent may, by notice in writing, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Committee directs, any door or trap-door of a privy opening on to any street or drain

(iii) The Committee may, by notice in writing, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit, and to cause the same to be kept in proper order and to be daily cleaned.

64. (i) The Superintendent may, by notice in writing, require the owner or occupier of any building or land to repair or alter
 Repairing and closing of any, and put in good order any drain, privy or cess-pool
 drains, privies, and cess-pools. or to close any cess-pool belonging thereto.

(ii) The Superintendent may, by notice in writing, require any person who constructs any new drain, privy or cess-pool without his permission in writing or contrary to his directions or rules or to the provisions of this Regulation, or who constructs, rebuilds or opens any drain, privy or cess-pool which has been ordered to be demolished or closed or not to be made, to demolish such drain, privy or cess-pool or to make such alteration therein as he thinks fit.

65. The Superintendent may, by notice in writing, require any person who
 Unauthorized buildings over drains, without his permission in writing newly
 erects or rebuilds any building over any public
 sewer, drain, culvert, water-course or water-pipe
 to pull down or otherwise deal with the same as he thinks fit.

66. The Superintendent may, by notice in writing, require any owner or occupier on whose land any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, reservoir or other water-source, to remove or close the same within one week.
 Removal of latrines, etc., near any source of water-supply.

67. The Superintendent may, by notice in writing, require the owner or occupier of any land or building to cleanse, repair, cover, fill up or drain off any private land, well, reservoir, pool or excavation therein which appears to him to be injurious to health or offensive to the neighbourhood.

Dangerous Buildings and Places.

68. If any building, or any well, tank or other excavation is for want of sufficient repair, protection or enclosure, dangerous, to persons passing by or dwelling or working in the neighbourhood, the Superintendent may, by notice in writing, require the owner or occupier thereof to repair, protect or enclose the same; and if it appears to him to be necessary in order to prevent imminent danger, he shall forthwith take such steps as are necessary to avert the danger.

69. If any building, wall, or structure, or anything affixed thereto, is deemed by the Superintendent to be in a ruinous state or in any way dangerous, he may, with the concurrence of the Committee, require the owner or occupier to repair, protect or enclose the same.

¹ See also Chapter III *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

rence of the Committee, by notice in writing, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to it as the Committee considers necessary for the public safety ; and if it appears to him to be necessary in order to prevent imminent danger, the Superintendent may forthwith take such steps as are necessary to avert the danger.

Buildings and Grounds in Unsanitary Condition.

70. The Superintendent may, by notice in writing, require the owner or occupier of any land to clear away and remove any thick or noxious vegetation, jungle or undergrowth which appear to be injurious to health or offensive to the neighbourhood.

71. The Superintendent may, by notice in writing, require the owner or occupier of any land within three days to cut or trim the hedges thereof bordering on any street, or branches of trees growing thereon which overhang any street and obstruct the same or cause danger therein, or which so overhang any well, tank or other water-source as to be likely to pollute the water thereof.

72. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Superintendent may, by notice in writing, require him within twenty-four hours to cleanse the same or otherwise put it in a proper state.

73. If any building appears to the Superintendent to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for any other sufficient reason, the Superintendent may, by notice in writing, prohibit the owner or occupier thereof from using the same for human habitation or suffering it to be used until he is satisfied that it has been rendered fit for such use.

74. The Superintendent may, by notice in writing, require the owner or person claiming to be the owner of any building or land which, by reason of abandonment or disputed ownership or other cause, remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time to be fixed in the notice.

75. (i) The Superintendent, with the concurrence of the Committee, may, on the report of the Residency Surgeon that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Residency Bazars is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of the crop, the use of the manure, or the irrigation so reported to be injurious, or regulate such cultivation, use or irrigation by imposing such conditions thereon as may prevent injury :

Provided that when on any land to which such notification applies the act prohibited has been practised during the five years next preceding the notification in the

¹ See also Chapter II *supra*, p 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

ordinary course of husbandry, compensation shall be paid from the Residency Bazars Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(ii) If any person cultivates, uses manure or irrigates in disregard of the prohibition or conditions notified under sub-section (i), he shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with a further fine which may extend to five rupees for every day after the date of such conviction during which the offence is proved before a Magistrate to have been persisted in.

Registration of Trades.

Regulation of offensive and dangerous trades.

76. (i) The owner or occupier of every place within the Residency Bazars used for any of the following purposes, namely:

- melting tallow ; or boiling bones, offal or blood ; or
- as a soap house, oil-boiling house, dyeing house or tannery ;
- as a brick-kiln, pottery or lime-kiln ; or
- any other manufactory or place of business from which offensive or unwholesome smells arise ; or
- as a yard or depôt for trade in hay, straw, thatching grass, wood coal or other highly inflammable material ; or
- as a store-house for kerosine, petroleum, naphtha or any inflammable oils, spirit or explosive substance ;

shall register the same in a book to be kept by the Superintendent for the purpose.

(ii) No place shall be newly used for any of the said purposes except under a license from the Superintendent, which shall be renewable annually.

(iii) The license shall not be withheld unless the Superintendent considers that the business which it is intended to establish or maintain would be offensive or dangerous to persons residing in or frequenting the immediate neighbourhood.

(iv) The Superintendent may charge such fees for such licenses and may impose such conditions in respect thereof as the Resident may approve.

(v) Whoever without such registration or without a license uses any place for any such purpose shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees, and with further fine which may extend to ten rupees for every day during which the offence is proved before a Magistrate to have been persisted in after he has been convicted thereof; and the Superintendent may, after conviction, by notice in writing, direct that the use of such place for such purpose shall be discontinued.

The Superintendent, or any person specially authorized by him in writing in this behalf, may at any time enter and inspect any place or building which there is reason to believe is used without license for any of the purposes enumerated in this section.

77. If it is shown to the satisfaction of the Committee at a meeting that any place licensed under section 76 is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, it may, by notice in writing, require the occupier thereof to dis-

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.*B. British Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹—*contd.*Regulations for the better administration, etc.—*contd.*

continue the use of the place, or to use it in such manner as will in the opinion of the Committee render it no longer a nuisance or dangerous.

(ii) Whoever after such notice has been given uses the place or permits it to be used in disregard of such requisition shall on conviction be punished with fine which may extend to two hundred rupees and with further fine which may extend to forty rupees for every subsequent day during which the offence is proved before a Magistrate to have been persisted in.

78. Every book or paper printed within the Residency Bazars shall have printed legibly on it the name of the printer and the place of printing, and (if the book or paper be published) of the publisher and the place of publication.

Particulars to be printed on books and papers.

79. No person shall, within the Residency Bazars, keep in his possession any press for the printing of books or papers who shall not have made and subscribed the following declaration before the Superintendent :

Keeper of printing press to make declaration.

“I, A B, declare that I have a press for printing at _____”
and this last blank shall be filled up with a true and precise description of the place where such press may be situate.

80. (i) When any notice under this chapter requires any act to be done for which no time is fixed by this Regulation, it shall fix a reasonable time for doing the same.

Execution of acts required to be done by any notice.

(ii) When the owner or occupier of any land or building fails to comply with the terms of any notice under this chapter requiring him to do any act upon that land or building, the Superintendent may, after six hours' notice in writing, cause that act to be done, and may recover the expenses incurred in so doing from the person in default.

81. The Committee may make compensation out of the Residency Bazars Funds to any person sustaining any damage by reason of the exercise of any of the powers vested in the Committee, its officers and servants under this Regulation, and shall make such compensation where the person sustaining the damage was not himself in default in respect of the matter in respect of which the power was exercised : where the compensation is claimable on account of injury to buildings or land, it shall be calculated with due regard to the provisions of the Land Acquisition Act for the time being in force in British India of 1894.

Compensation for damage caused by exercise of powers under this Regulation.

CHAPTER VII.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

82. Whoever, without the permission of the Superintendent or in disregard of his orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

¹ See also Chapter II *supra*, p. 33.

² Cf. para. 1 of Notification No 2651-I., dated the 25th June, 1891, printed *infra*, p. 706.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws¹-*contd.*****Regulations for the better administration, etc.—*contd.***

of any kind upon any street or public place, or into any public sewer or any drain communicating therewith, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

83. Whoever, without the permission of the Superintendent, causes or allows the water of any sink, sewer or cess-pool or any other offensive matter, to pass or be put upon any street or public place, or into any sewer or drain not set apart for the purpose, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

84. Whoever, being the owner or occupier of any building or land, keeps or allows to be kept for more than twenty-four hours, or otherwise than in some proper receptacle, any dirt, dung, bones, ashes, night soil or filth, or any noxious or offensive matter, in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

85. Whoever without the permission of the Superintendent, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain under the management of the Committee, shall, on conviction by a Magistrate, be punished with fine which may extend to fifty rupees.

86. Whoever, makes without the permission of the Superintendent, or keeps for a longer time than one week after notice to remove issued under section 66, any drain, latrine, urinal, cess-pool or other receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other water-source, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and, when a notice has been issued with a further fine which may extend to five rupees for each day during which the offence is proved before a Magistrate to have been persisted in after the lapse of the period allowed for removal.

87. Whoever keeps any swine in disregard of any orders which the Superintendent may give to prevent them from becoming a nuisance, or keeps any other animals so as to be injurious to health or to become a nuisance, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees, and with a further fine which may extend to five rupees for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in.

88. Whoever drives any vehicle after dark in any public street or thoroughfare, unless the vehicle is properly supplied with lights, or there is sufficient moonlight to render lights unnecessary, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

89. Whoever discharges fire-arms or air-guns or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause danger to persons passing by or dwelling or working in the neighbourhood or risk of

¹ See also Chapter II *supra*, p. 33.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.—British-Hyderabad Residency Bazars Enactments-1. (b)—Special Local Laws¹—*contd.*****Regulations for the better administration, etc.—*contd.***

injury to property, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

90. Whoever, without the permission of the Superintendent or contrary to his directions, takes any elephant or camel or joins in any procession along any street, or plays or causes to be played any music in any such procession, shall, on conviction by a Magistrate, be punished with fine which may extend to one hundred rupees.

91. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate passengers, neglects to restrain it so that it shall not be at large without a muzzle in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

92. Whoever, without the permission of the Superintendent, alters, obstructs or encroaches upon any street or public drain, aqueduct or sewer, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street or public place, or deposits building materials or makes any hole or excavation on or in any street, shall, on conviction by a Magistrate, be punished with fine which may extend to one hundred rupees.

93. Whoever, contrary to the orders of the Superintendent, pickets animals or collects carts on any public ground, or uses any such ground as a halting place for vehicles or animals of any description or as a place of encampment or causes or permits animals to stray, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

94. Whoever carries a corpse along a prohibited route or in a manner likely to cause annoyance to the public shall, on conviction by a Magistrate, be punished with fine which may extend to ten rupees.

95. Whoever, without being authorized by the Superintendent, defaces or disturbs any direction-post or lamp-post, or extinguishes any light in any street or public place, shall, on conviction by a Magistrate, be punished with fine which may extend to twenty rupees.

96. Whoever prints or publishes any book or paper otherwise than in conformity with the provisions of section 78 of this Regulation, or keeps in his possession any such press as aforesaid without making such a declaration as is required by section 79 of this Regulation, shall on conviction before the Superintendent be punished with fine not exceeding five rupees or with expulsion from the Bazars, or with both.

97. No person shall go armed with any arms except under a license and to the extent and in the manner permitted thereby. Any person so going armed without a license or in contravention of its provisions may be disarmed by the Superintendent or by any Magistrate, Police-officer or other person empowered by the Resident in this behalf by virtue of his office, and the Resident may, if he shall think fit, direct that the arms taken from such person, or any of them, shall be confiscated :

¹ See also Chapter II, *supra*, p. 33.

² Cf. also para. 2 of Notification No. 2851-I., dated the 25th June, 1891, printed *infra*, p. 708.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-1. (b)-Special Local Laws** ^{1-contd.}**Regulations for the better administration, etc.—contd.**

Provided that nothing in this section shall apply to persons exempted by the Governor General in Council under section 27 of the Indian Arms Act, or by the Resident by a rule made under this Regulation.

98. Whoever disobeys any lawful directions given by public notice or disobeys any written notice lawfully issued under the powers conferred by Chapter VI or by rules under section 101 of this Regulation, or fails to comply with the conditions subject to which any permission was given to him under those powers shall, if the disobedience or [omission]² is not an offence punishable under any other section on conviction before a Magistrate, be punished with fine which may extend to fifty rupees, and in the case of a continuing breach, with a further fine which may extend to five rupees, for every day after the date of the conviction during which the offence is proved before a Magistrate to have been persisted in :

Provided that when the notice fixes a time within which a certain act is to be done and no time is specified in this Regulation, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Regulation.

CHAPTER VIII.

CONTROL.

Control.

99. The Superintendent and the Committee shall be subject in all respects to the control of the Resident.

100. [*Vaccination—Repealed by Notification No. 1811-I.B., dated the 1st July 1898, printed supra, p. 39.*]

101. (i) The Resident may from time to time frame forms for any proceedings of the Committee for which he considers that a form should be provided, and make rules consistent with this Regulation as to—

Rules.

- (a) the appointment of members, and their term of office ;
- (b) the conduct of proceedings at meetings ;
- (c) the assessment and recovery of taxes, fees and moneys claimable under this Regulation, and for preventing evasion of the same ;
- (d) the authority on which money may be paid from the Residency Bazar Fund ;
- (e) the conditions on which property under management of the Committee may be transferred by sale, mortgage, lease, exchange or otherwise ;
- (f) the control of traffic, public processions and music ;
- (g) the registration of births and deaths, the regulation of vaccination, compulsory or otherwise, and the taking of a census ;
- (h) the carrying of arms ;
- (i) the offences under this Regulation or under rules made or enactments extended thereunder which shall be cognizable by the Police ; and

¹ See also Chapter II *supra*, p. 33.

² The word "omission" was substituted for the word "commission" by erratum Notification No. 2126-I.B., dated the 4th August, 1898, see *Gazette of India*, 1898, p. 873.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.*B.-British-Hyderabad Residency Bazars Enactments—1. (b)-Special Local Laws ¹-*contd.*Regulations for the better administration, etc.—*contd.*

(k) generally for the purposes of this Regulation.

(ii) In making any rule under this section, the Resident may direct that a breach of it shall be punishable, on conviction by a Magistrate, with fine which may extend to fifty rupees, and when the breach is a continuing breach, with a further fine which may extend to five rupees for every day after the date of such conviction during which the breach is proved before a Magistrate to have been persisted in.

(iii) No rule under sub-section (i) shall come into force until it has been notified by the Resident.

102. The Resident, with the previous sanction of the Governor General in Council, may make rules for the suppression of mendicancy and of loitering or importuning for the purpose of prostitution, and for the removal and exclusion from the Residency Bazars of disorderly persons, of persons convicted under Chapter XVII of the² Indian Penal Code, or ordered under the Code of Criminal Procedure, 1882,³ to execute a bond for their good behaviour and of persons whom the Resident deems it necessary to exclude from the Residency Bazars with or without assigning any reasons for excluding them therefrom.

103. The Governor General in Council may, by notification in the *Gazette of India*, extend to the Residency Bazaars any enactments or part of any enactment for the time being in force in any municipality in the Hyderabad Assigned Districts, and declare its extension to be subject to such restrictions and modifications, if any, as he thinks fit.

104. If any member, officer, or servant of the Committee is otherwise than with the permission in writing of the Resident, directly or indirectly interested in any contract made with the Committee, he shall be deemed to have committed an offence under section 168 of the Indian Penal Code.⁴

105. No suit or prosecution shall be entertained by any Court against the Committee or any officer or person for anything in good faith done or purporting to be done in pursuance of powers conferred by or under this Regulation on such Committee, officer or person, whether the thing done was or was not authorized by the power so conferred.

106. Every person shall be liable for the loss, waste or misapplication of money or other property under the management of the Committee, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a member of the Committee; and a suit for compensation may be instituted against him by the Committee with the previous sanction of the Resident.

¹ See also Chapter II *supra*, p. 33.

² The Indian Penal Code (Act XLV of 1860), printed, General Acts, Vol. I, Ed. 1898, p. 240, is now in force in these Bazars in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, *supra*, p. 39, as part of the Combined Area described in Chapter II, *supra*.

³ See now the Code of Criminal Procedure, 1898 (Act V of 1898), printed, General Acts, Vol. VI, Ed. 1898, p. 380, which is in force in these Bazars in virtue of the notification quoted in the preceding note.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.—British-Hyderabad Residency Bazars Enactments-1. (b)—Special Local Laws** ^{1—*concl'd.*}**Regulations for the better administration, etc.—*concl'd.***

I of 1894. 107. When any land is required by the Committee for the purposes of this Regulation and is situate within the Residency Bazars, the Superintendent may, as provided in section 81, proceed to its acquisition at the expense of the fund in general accordance with the provisions of the Land Acquisition Act for the time being in force in the Hyderabad Assigned Districts.

X of 1892. 108. No Judge or Magistrate shall be deemed to be a party to, or interested in any prosecution for an offence punishable under this Regulation or any rule thereunder or any other law, within the meaning of section 555 of the Code of Criminal Procedure, 1882,² by reason only of his being or having been a member of the Committee by the order, or under the authority, of which it has been instituted, or because as Superintendent he merely approved the prosecution.

109. Subject to such rules as the Resident may make under section 101 prescribing the offences which shall be cognizable by the police, no Court shall take cognizance of an offence punishable under this Regulation or under any enactment extended or rule made thereunder except on the complaint of the Superintendent or of some person authorized by him in this behalf.

Conduct of prosecution under this Regulation. In default of payment of any fine imposed under this Regulation or any enactment extended or rule made thereunder, the defaulter shall be liable to simple imprisonment for a term not exceeding eight days.

110. Nothing contained in this Regulation shall be construed to prevent any person from being prosecuted under any other law for any offence made punishable by this Regulation or from being liable under any other law to any higher penalty or punishment than is provided for such offence by this Regulation or by any rules made thereunder :

Provided that no person shall be punished twice for the same offence.

111. Any arrear of any tax or any fee or other money claimable by or on behalf of the Committee may, in addition to any manner provided under section 101, be recovered on application to a Magistrate having jurisdiction within the limits of the Residency Bazars by the distress and sale of any moveable property within those limits belonging to the person from whom the money is claimable ; and if payable by the owner in respect of any property, moveable or immovable, such arrear shall be a charge on the property.

112. No act done nor any proceeding taken under this Regulation shall be questioned on account merely of the existence of any vacancy in the committee or on account of any defect or irregularity not affecting the merits of the case.

[See *Gazette of India*, 1895, Pt. I, p. 755.]

¹ See also Chapter II *supra*, p. 33.

² See now s. 556 of Act V of 1898.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.—British-Hyderabad Residency Bazars Enactments.—2. (a)—Local Rules and Orders under British Indian Enactments locally applied.¹***Orders under the Court-fees Act, 1870.*

Application of Notification indicating the kind of Court-fee stamp to be used in cases in which the fee is less than Rs. 10.

No. 1881-I., dated the 11th June, 1895.—In exercise of the power conferred by section 26 of the Court-fees Act (VII of 1870), as applied to the Hyderabad Residency Bazars, by the Notification of the Government of India in the Foreign Department, ²No. 1833-I., dated the 30th May, 1894 (and with reference to the Foreign Department's Notification No. 1839-I. of the same date), the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notification ³No. 1494-S.R., dated the 29th March, 1895, issued by the Government of India in the Department of Finance and Commerce under the aforesaid section shall apply to the Hyderabad Residency Bazars, subject to the following modification :—

For the words " 1st July, 1895 " the words " 1st September, 1895 " shall be read.

[See *Gazette of India*, 1895, Pt. I, p. 518.]

Application of Notification directing the levy of Court-fees by adhesive stamps.

No. 1839-I., dated the 30th May, 1894.—In exercise of the powers conferred by sections 26 and 35 of the Court-fees Act (VII of 1870), as applied to the Hyderabad Residency Bazars by the Notification of the Government of India in the Foreign Department, ⁴No. 1833-I., dated the 30th May, 1894, the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notification ⁵No. 361, dated the 18th April, 1883, issued by the Government of India in the Department of Finance and Commerce under the aforesaid sections, shall apply to the aforesaid Hyderabad Residency Bazars.

[See *Gazette of India*, 1894, Pt. I, p. 298.]

Application of Notification making certain remissions and reductions in Court-fees.

No. 1840-I., dated the 30th May, 1894.—In exercise of the powers conferred by section 35 of the Court-fees Act (VII of 1870), as applied to the Hyderabad Residency Bazars, by the Notification of the Government of India in the Foreign Department, ⁶No. 1833-I., dated the 30th May, 1894, the Governor General in Council is pleased to direct that so much of the Notification ⁷No. 4650, dated the 10th September, 1889, issued by the Government of India in the Department of Finance and Commerce under the Court-fees Act (VII of 1870), section 35, as is specified below, shall apply to the Hyderabad Residency Bazars.

The preamble (the words " Hyderabad Residency Bazars " being substituted for the words " whole or in any part of British India ") ; clauses (1) to (3) (both inclusive) ; clauses (5) to (11) (both inclusive) ; clauses (13) to (17) (both inclusive) ;

¹ See also Chapter II, *supra*, p. 33.

² This Act is now in force in these Bazars in virtue of Notification No. 1811-I B, dated the 1st July, 1898, printed, *supra*, p. 23, as being part of the Combined Area described in Chapter II, *supra* 33.

³ See *Gazette of India*, 1895, Pt. I, p. 265.

⁴ See *Gazette of India*, 1883, Pt. I, p. 189.

⁵ See *Gazette of India*, 1889, Pt. I, p. 506.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.*

B.-British Hyderabad Residency Bazars Enactments-2. (a)-Local Rules and Orders under Acts¹-*contd.*

Orders under the Court-fees Act, 1870—concl'd.

Application of Notification making certain remissions and reductions, etc.—*concl'd.* clause (19) and clause (35) except the words “in the Presidency of Bombay or by the Sadr Court in Sindh.”

[See *Gazette of India*, 1894, Pt. I, p. 298.]

Exemption from Court-fees of applications for repayment of fines when refund is sanctioned by competent authority.

No. 2991-I.B., dated the 25th September, 1896, printed *supra*, p. 460.

Applying British Indian Rules under the Telegraph Act, 1885.

No. 4452-I., dated the 29th December, 1890.—* * * * *

II. The Governor General is also pleased to direct the rules in force from time to time under the said Act * in British India shall be deemed to be similarly in force in the Hyderabad Residency Bazars.

[See *Gazette of India*, 1891, Pt. I, p. 6.]

Delegation of powers under section 2 (1) of the Epidemic Diseases Act, 1897.

No. 1234-I.A., dated the 3rd April 1899, printed *supra*, p. 405.

Orders under the Indian Stamp Act, 1899.³

Application of Notification remitting duty chargeable on certified copies of registers and entries in registers under the Births, Deaths and Marriages Registration Act, 1886.

No. 1837-I., dated the 30th May, 1894.—In exercise of the powers conferred, by section 8 of the Indian Stamp Act (I of 1879), as applied to the Hyderabad Residency Bazars, by the Notification of the Government of India in the Foreign Department, ²No. 1833-I., dated the 30th May, 1894, the Governor General in Council is pleased to direct that the provisions of Notification ⁴No. 4345, dated the 19th October, 1891, issued by the Government of India in the Department of Finance and Commerce, shall apply to the Hyderabad Residency Bazars.

[See *Gazette of India*, 1894, Pt. I, p. 298.]

Application of Notification making remissions and reductions in stamp duties and in exempting Bills of Exchange, etc., drawn in British India from such duties in the Bazars.

No. 1834-I., dated the 30th May, 1894.—In exercise of the powers conferred by section 8 of the Indian Stamp Act (I of 1879), as applied to the Hyderabad Residency Bazars, by the Notification of the Government of India in the Foreign Department, ²No. 1833-I., dated the 30th May, 1894, the Governor General in

¹ See also Chapter II *supra*, p. 33.

² The first paragraph of the notification relating to the application of Act XIII of 1885 to the Bazars is omitted, as the notification, so far as it relates to that Act, was cancelled by Notification No. 1811-I. B., dated the 1st July, 1898 (printed *supra*, p. 39). Under this notification the Act is now in force in the Bazars as part of the Combined Area described in Chapter II, *supra*, p. 33.

³ The Act (II of 1899) is now in force in these Bazars in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, as amended by No. 1632-I.B., dated the 24th June, 1899, printed *supra*, p. 39, as part of the Combined Area described in Chapter II, *supra*. These notifications, which issued under Act I of 1879, are kept in force by s. 24 of Act X of 1897 which is also in force in these Bazars in virtue of the same Notification.

⁴ See *Gazette of India*, 1891, Pt. I, p. 602.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-2. (a)-Local Rules and Orders under Acts¹—*contd.****Orders under the Indian Stamp Act, 1879—contd.***Application of Notification making remissions and reductions, etc.—*concld.***

Council is pleased to direct that the Notification ²No. 5855, dated the 22nd November, 1889, issued by the Government of India in the Department of Finance and Commerce under section 8 of the Indian Stamp Act (I of 1879), shall apply to the said Bazars, subject to the following modifications :—

(1) In the first paragraph, for the words “British India” the words “the Hyderabad Residency Bazars” shall be read.

(2) In the first schedule, articles 1, 3, 5, 7 and 8 shall be omitted.

(3) In the second schedule, articles 1 (a), (b), (c), and (d); 5 (a) and (c); 6 (b) and (c); 7 (a), (e), (f), (g), (h), and (j); 8 (a), (b) and (c); 11 and 12 (g) shall be omitted, and for articles 2, 3 and 4 the following shall be substituted namely :—

“2. Bills of Exchange drawn in British India, Mysore, the Hyderabad Assigned Districts, or the Cantonment of Sikandarabad, on which the full rate of stamp-duty has been paid there, when the same are negotiated in the Hyderabad Residency Bazars.

“3. *Bills of Lading* executed out of the Hyderabad Residency Bazars and relating to property to be delivered in the Hyderabad Residency Bazars.

“4. *Cheques* drawn in British India, Mysore, the Hyderabad Assigned Districts or the Cantonment of Sikandarabad, on which the full rate of stamp-duty has been paid there, when the same are negotiated in the Hyderabad Residency Bazars.”

[See *Gazette of India*, 1894, Pt. I, p. 297.]

Application of Notification indicating the manner in which the duty payable under Article 22, Schedule I of the Act, on copies or extracts certified as true copies of baptismal, marriage and burial certificates.

No. 1835-I., dated the 30th May, 1894.—In exercise of the powers conferred by section 9 of the Indian Stamp Act (I of 1879), as applied to the Hyderabad Residency Bazars, by the Notification of the Government of India in the Foreign Department, ³No. 1833-I., dated the 30th May, 1894, the Governor General in Council is pleased to direct that the provisions (so far as they may be applicable) of the Notification ⁴No. 2036, dated the 30th June, 1882, issued by the Government of India in the Department of Finance and Commerce under the aforesaid section, shall apply to the aforesaid Hyderabad Residency Bazars.

[See *Gazette of India*, 1894, Pt. I, p. 297.]

Application of Notification regarding the use of stamp labels.

No. 1836-I., dated the 30th May, 1894.—In exercise of the powers conferred by sections 9, 15, 17, 32, 51 and 56 of the Indian Stamp Act (I of 1879), as applied to the Hyderabad Residency Bazars, by the Notification of the Government of India in the Foreign Department, ⁵No. 1833-I., dated the 30th May, 1894, the

¹ See also Chapter II *supra*, p. 33.

² See *Gazette of India*, 1889, Pt. I, p. 636.

³ The Act (II of 1899) is now in force in these Bazars in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, as amended by Notification No. 1632-I.B., dated the 24th June, 1899, printed *supra*, p. 39, as part of the Combined Area described in Chapter II, *supra*. These notifications, which issued under Act I of 1879, are kept in force by s. 24 of Act X of 1897.

⁴ See *Gazette of India*, 1882, Pt. I, p. 257.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*contd.***B.-British-Hyderabad Residency Bazars Enactments-2. (a)-Local Rules and Orders under Acts¹—*concl'd.****Orders under the Indian Stamp Act, 1879—concl'd.**Application of Notification regarding the use of stamp labels—concl'd.*

Governor General in Council is pleased to direct that the Notification "No. 2170, dated the 22nd May, 1891, issued by the Government of India in the Department of Finance and Commerce, shall apply to the Hyderabad Residency Bazars, subject to the following modifications, namely:—

Rule 1.—For "British India" *substitute*, "the Hyderabad Residency Bazars."

Rule 4 (a) (2).—For the words "one of the officers mentioned in rule 10 (b) or by the Superintendent of Stamps, Calcutta," *read* "the officer mentioned in rule 10."

Rule 8.—For the words "Superintendent of Stamps at Calcutta, Bombay, Madras, Rangoon, or Lahore, or by the Commissioner of Stamps at Allahabad" *substitute* "Superintendent of Stamps, Hyderabad."

Rules 9 (20), 12 (a), 15 (a).—For "British India" *read* "the Hyderabad Residency Bazars."

Rule 10.—For this rule *substitute* the following:—

"The Superintendent of Stamps, Hyderabad, is empowered to affix these labels to the instruments mentioned in rule 9."

Rule 11 (a).—For the words "every such officer" *substitute* "the Superintendent of Stamps, Hyderabad."

Rule 11 (b).—Omit the last two clauses commencing with "In Calcutta" and ending with "from Lahore," and for the words "Local Government" *substitute* "Resident at Hyderabad."

Rule 12 (b).—Omit the words "unless he be the Collector of Calcutta or Karachi."

For the words "one of the officers mentioned in rule 10" *substitute* "the Superintendent of Stamps, Hyderabad."

Rule 14.—Omit clause (c).

[See *Gazette of India*, 1894, Pt. I, p. 297.]

¹ See also Chapter II *supra*, p. 33.

² See *Gazette of India*, 1891, Pt. I, p. 281.

CHAPTER VI.—THE HYDERABAD RESIDENCY BAZARS—*conold.*

SUPPLEMENTARY NOTE.

The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad has been arranged under directions issued by the Resident in 1871 and 1878.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION.

CHAPTER VII.

RAILWAYS UNDER BRITISH JURISDICTION.

[His Highness the Nizam has granted the British Government full jurisdiction over the lands in his territory which now are, or may hereafter be, occupied by the following Railways, namely :—

1. The Barsi Light Railway.
2. Nizam's Guaranteed State Railway.¹
3. Great Indian Peninsula Railway.
4. Dhond-Manmad Railway.
5. Madras Railway.²
6. Southern Mahratta Railway.
7. Hyderabad Godaveri Valley Railway]

The British enactments in force locally in Railways in Hyderabad territory consist of—

A.—British-Indian Enactments :—

1.—Local Rules and Orders under

- (a) Statutes in force generally in all Native States.
- (b) Acts in force generally in all Native States.

B.—British-Hyderabad Railways Enactments :—

1.—Local Laws made by the Governor General in Council.

- (a) British-Indian enactments locally applied.
- (b) Special Local Laws.

2.—Local Rules and Orders under British-Indian enactments locally applied.

¹ For Agreement between the British Government and the Nizam in respect of the construction of this Railway—see Aitchison's Treaties, Vol. VIII, Part II, pages 364 to 368 and 407 to 410.

² A portion of this Railway also passes through the Mysore State, as to which see the volume relating to the Madras States and Mysore.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION.

A.—British-Indian Enactments.

1.-(a) LOCAL RULES AND ORDERS UNDER STATUTES IN FORCE GENERALLY IN ALL NATIVE STATES.

[See the notification printed in Pt. I, which applies to the lands occupied by these Railways, as being part of the Nizam's Dominions.]

1.-(b) ¹LOCAL RULES AND ORDERS UNDER ACTS IN FORCE GENERALLY IN ALL NATIVE STATES.

Act.	Section.	Subject of Notification.	Reference.
Births, Deaths and Marriages Registration Act, 1886 (VI of 1886).	13 and 24 (2)	Appointing the Superintendent, Railway Police, to be a Registrar for the purposes of s. 11 of the Act and a Registrar-General of Births, Deaths and Marriages.	No. 2714-I., dated the 14th August, 1890. [Printed <i>supra</i> , p. 29.]

¹ See also Chapter I *supra*, p. 22.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railways Enactments.*1.-(a) BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Extent of application.	Reference.
The Factories Act, 1881 (XV of 1881).	The whole Act and see the notification.	No. 1249-I.B., dated the 12th May, 1899. [Printed <i>infra</i> , p. 666.]
The Petroleum Act, 1886 (X of 1886).	Ditto.	No. 1482-I.B., dated the 3rd May, 1894. [Printed <i>infra</i> , p. 666.]
Indian Railways Act, 1890 (IX of 1890).	The whole Act so far as it is suitable and see the notification.	No. 3063-I.B., dated the 13th August, 1897. Printed <i>infra</i> , p. 676.]

¹ The notifications quoted in the last column of this Table (except that relating to Act IX of 1890) do not affect the Barn Light Railway, the Southern Mahratta Railway, nor the Godavari Valley Railway in the Nizam's Dominions.
For other Acts in force in these railway lands other than those referred to above, see Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railways Enactments.*1.-(b) SPECIAL LOCAL LAWS.¹

When made.	Subject of Law.	Notification.	Reference.
1886	Rules prohibiting the sale of spirituous liquors, wines and intoxicating drugs to troops at Rest Camps and Railway Stations on Railway Lines passing through the State.	<i>No. 23, dated the 14th January, 1886.</i>	Printed <i>infra</i> , p. 681.
1889	² Rules for the payment of the expenses of complainants and witnesses in criminal cases.	<i>No. 178, dated the 12th July, 1889.</i>	Printed <i>supra</i> , p. 457.
„	Directing that the Jail at Nagpur shall be deemed to be prison for the territories subject to the Resident.	<i>No. 3723-I., dated the 20th September, 1889.</i>	Printed <i>supra</i> , p. 361.
1890	³ Rules for the conveyance of arms, ammunition etc., on Railways in Hyderabad except the Dhond-Manmad Railway and the Great Indian Peninsula Railway in Berar.	<i>No. 4080-I., dated the 3rd December, 1890, as amended by No 2136-I.B., dated the 5th August, 1898.</i>	Printed <i>infra</i> , p. 682.
1891	Declaring laws in force and providing for the administration of civil and criminal justice and the police in the lands in certain villages in Hyderabad territory occupied by the Southern Mahratta Railway.	<i>No. 4564-I., dated the 18th November, 1891.</i>	Printed <i>infra</i> , p. 687.
„	Investing the Superintendent of Police, Raichur Cantonment, with the jurisdiction of a Small Cause Court with the lands occupied by the Madras Railway in the Hyderabad State and declaring that the value of the suits cognizable by him shall not exceed Rs.1,000 in value.	<i>No. 20, dated the 21st August, 1891.</i>	Printed <i>infra</i> , p. 687.
1892	⁴ Rules regarding the transit of opium by railway in His Highness the Nizam's Dominions.	<i>No. 24, dated the 15th August, 1892, as amended by No. 17, dated the 27th July, 1893.</i>	Printed <i>infra</i> , p. 685.

¹ See also Chapter II *supra*, p. 83.² These rules were made for the Hyderabad Assigned Districts. They were republished for information under the notification quoted above. They cancel Resident's Book Circular No. I of 1892, addressed to, among others, the Superintendent of His Highness the Nizam's State Railways, to which line probably alone these rules apply.³ So far as is known these rules probably do not apply to the Godavary Valley Railway.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railways Enactments.*1.-(b)¹ SPECIAL LOCAL LAWS—*concl'd.*

When made.	Subject of Law.	Notification.	Reference.
1897	Declaring laws in force and providing for the administration of civil and criminal justice in the lands occupied by the Barsi Light Railway.	No 3244-I.B., dated the 26th August, 1897.	Printed <i>infra</i> , p. 688.
1899	Declaring that Notification No. 1811-I.B., dated the 1st July, 1898, as amended by subsequent Notifications shall apply to the Godavari Valley Railway.	No. 3382-I.B., dated the 13th November, 1899.	Printed <i>infra</i> , p. 688.

¹ See also Chapter II *supra*, p. 33

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railways Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED.¹

Act.	Section.	Subject of Notification.	Reference.
¹ Court-Fees Act, 1870 (VII of 1870).	35	Directing that no Court-fee shall be charged on applications for the repayment of a fine or any portion of a fine, the refund of which has been ordered by competent authority.	⁴ No. 2991-I.B., dated the 25th September, 1896. [Printed <i>supra</i> , p. 360.]
² Indian Registration Act, 1877 (III of 1877).	4 & 7	Appointing an Inspector-General of Registration, forming the Railway lands (except those occupied by the Southern Mahratta Railway and the Barsi Light Railway) into a district, appointing a Registrar and indicating the office of the Registrar.	⁴ No. 12, dated the 5th May, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 112.]
Ditto	"	Forming the above lands into a sub-district and appointing the Superintendent of Railway Police to be the Sub-Registrar.	⁴ No. 31, dated the 17th August, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 244.]
Ditto	69	Applying to the above lands the rules in force in the Hyderabad Assigned Districts under s. 69, and declaring English to be the language commonly used in the offices of Registrar and Sub-Registrar.	⁴ No. 13, dated the 5th May, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 112], and No. 32, dated the 23rd August, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 245.]
Ditto	78	Prescribing a table of fees for the above lands.	⁴ No. 14, dated the 5th May, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 112.]
³ Petroleum Act, 1886 (XII of 1886).	8	Rules for the grant of licenses and the transport of Petroleum.	⁴ No. 26, dated the 17th July, 1894. [Hyderabad Residency Orders, 1894, Supplement, p. 60.]
Ditto	"	Appointing the Superintendent of Railway Police, Hyderabad Railways, to grant licenses to carts for the transport of dangerous petroleum in bulk within Railway limits.	⁴ No. 39, dated the 3rd November, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 310.]
Ditto	9	Appointing the Railway Magistrate and Superintendent, Railway Police, to exercise the powers and perform the duties imposed by sections 9 to 11 of the Act.	⁴ No. 21, dated the 7th June, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 153.]

¹ See also Chapter II *supra*, p. 33.² These Acts are now in force in these Railway lands, excluding the Southern Mahratta Railway and the Barsi Light Railway, in virtue of Notification No. 1811-J. B. dated the 1st July, 1898, as being part of the Combined Area described in Chapter II above. As to rules for fees for serving processes in these lands, which were issued while this Volume was passing through the Press and which apply to these lands in common with the rest of the Combined Areas, see p. 481 *supra*.³ Now repealed in British India by the Petroleum Act, 1899 (VIII of 1899).⁴ These Notifications also do not apply to the lands occupied by the Southern Mahratta Railway, the Barsi Light Railway in Hyderabad and the Godavari Valley Railway.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railways Enactments.*2.-(a) LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED¹—*contd.*

Act.	Section.	Subject of Notification.	Reference.
¹ Petroleum Act, 1886 (XII of 1886)— <i>concl'd.</i>	Para. 1 (a) of Schedule.	Appointing the Meteorological Office at Madras to be the Meteorological Office for these lands.	² No. 20, dated the 7th June, 1894. [Hyderabad Residency Orders, 1894, Pt. I, p. 153.]
⁴ Vaccination Act, 1880 (XIII of 1880):	4	Extends the Act to Railway lands in Hyderabad other than those occupied by the Southern Mahratta Railway and the Barsi Light Railway.	² No. 8, dated the 30th January, 1898. [Hyderabad Residency Orders, 1898, Pt. I, p. 25.]
⁴ Probate and Administration Act, 1881 (Act V of 1881).	2	Authorizing all Deputy Commissioners in the Hyderabad Assigned Districts and the Assistant Cantonment Magistrate, Sikandarabad, to receive applications for probate and letters of administration throughout these railway lands except those occupied by the Southern Mahratta Railway and the Barsi Light Railway	² No. 51, dated the 25th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 251.]
Indian Factories Act, 1881 (XV of 1881)	5	Prescribing four annas as the fee payable to a certifying surgeon by a person desirous of being employed in a factory within these lands for examining and granting him a certificate.	² No. 3610-I.B., dated the 8th December, 1899. [Printed <i>infra</i> , p. 689.]
⁴ Indian Telegraph Act, 1885 (XIII of 1885).	...	Adopting the rules in force in British India under the Act for these railway lands.	² No. 1007-I., dated the 4th March, 1891. [Printed <i>infra</i> , p. 689.]
Indian Railways Act, 1890 (IX of 1890).	16 & 148	Sanctioning the use of motive power and rolling stock.	No. 3063-I. B., dated the 13th August, 1897. [Printed <i>infra</i> , p. 676.]
Ditto	47	Adopting the General Rules for open lines of railway in force in British India.	<i>Ditto.</i>
Ditto	"	Adopting the General Rules for Railways under construction in force in British India.	<i>Ditto.</i>
Ditto	"	Declaration as to the Local Government for these Railways for the purposes of the Act.	<i>Ditto.</i>
Ditto	84 & 85	Adopting the rules framed under the sections for British India.	<i>Ditto.</i>

¹ See also Chapter II *supra*, p. 33.² Now repealed in British India by the Petroleum Act, 1899 (VIII of 1899).³ These notifications do not apply to the lands occupied by the Southern Mahratta Railway and the Barsi Light Railway in Hyderabad⁴ These Acts are now in force in these Railway lands, excluding the Southern Mahratta Railway and the Barsi Light Railway, in virtue of Notification No. 1811-I. B., dated the 1st July, 1898, as being part of the Combined Area described in Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railway Enactments.*2.—LOCAL RULES AND ORDERS UNDER BRITISH-INDIAN ENACTMENTS LOCALLY APPLIED¹—*concl'd.*

Act.	Section.	Subject of Notification.	Reference.
Indian Railways Act, 1890 (IX of 1890.)	135	Applying the notification declaring Railway Administrations in British India to be liable to pay certain taxes.	No. 3063-I.B., dated the 13th August, 1897. [Printed <i>infra</i> , p. 676.]
Ditto	144	Delegating certain powers and functions to the Local Government.	<i>Ditto.</i>
Code of Criminal Procedure, 1898 (Act V of 1898).	12	Appointing the Assistant Cantonment Magistrate at Sikandarabad to be a Magistrate of the first class for these lands, except those occupied by the Southern Mahratta Railway and the Parsi Light Railway.	² No. 4997-I., dated the 23rd December, 1891. [Printed <i>infra</i> , p. 689.]
Ditto	"	Appointing the Superintendent of Police to be a Magistrate of the 2nd class for the Madras Railway in the Hyderabad State.	³ No. 19, dated the 21st August, 1891. [Hyderabad Residency Orders, 1891, Pt. I, p. 161.]
Ditto	...	Appointing the Superintendent of the Hyderabad Residency Bazars to be District Magistrate for these Railway lands.	³ No. 50, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 251.]

¹ See also Chapter II *supra*, p. 33.² These notifications issued under Act IX of 1892. They are kept in force by s. 2 (2) of the Code of Criminal Procedure, 1898 (Act V of 1898), which is now in force in these railway lands, except those occupied by the Southern Mahratta Railway and the Parsi Light Railway, in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed, *supra*, p. 39, as part of the Combined Area described in Chapter II, *supra*.³ This notification does not apply to the lands occupied by the Southern Mahratta Railway and the Parsi Light Railway in Hyderabad.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.**B.—British-Hyderabad Railways Enactments.¹*

2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS.

When made.	Subject of law.	Section.	Subject of Notification.	Reference.
1891	Southern Mahratta Railway Laws and Administration Notification.	3	Directing that the lands occupied by the Southern Mahratta Railway in the villages in the Nizam's dominions mentioned in the notification shall be included within the local limits of the jurisdiction of the Subordinate Judge of Gadag.	<i>No. 1245, dated the 2nd March, 1892.</i> [Printed <i>infra</i> , p. 690.]
"	Ditto	"	Directing that the above lands shall be included in the subdivision of the Dharwar District, in which the officer named in the notification has been invested with the powers of a Magistrate of the 1st class.	<i>No. 1244, dated the 2nd March, 1892.</i> [Printed <i>infra</i> , p. 690.]
1897	Barsi Light Railway Laws and Administration Notification, 1897.	5	Declaring that the lands in the villages in the Nizam's dominions mentioned in the notification and which are occupied by the Barsi Light Railway shall be deemed to be included in the Barsi Taluq of the Sholapur District.	<i>No. 6159, dated the 9th October, 1897.</i> [Printed <i>infra</i> , p. 691.]
1898	Notification applying the Hyderabad Assigned Districts Courts Law, 1889.	9 (1) of Law applied.	Investing the Assistant Cantonment Magistrate of Sikandarabad with the powers of a Deputy Commissioner under the law, and declaring that such powers shall be exercised within these railway lands (other than those occupied by the Southern Mahratta Railway and the Barsi Light Railway).	<i>No. 47, dated the 17th July, 1899.</i> [<i>Hyderabad Residency Orders</i> , 1899, Pt I, p. 250.]
"	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	4 (2) of Law applied.	Declaring the railway lands (except those occupied by the Southern Mahratta Railway and the Barsi Light Railway) to be within the local limits of the jurisdiction of the Small Cause Court at Sikandarabad.	<i>No. 48, dated the 17th July, 1899.</i> [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 250.]
"	Ditto	5 (1) and 10 (3) of Law applied.	Appointing a Judge of the above Court and determining the value of the civil suits cognizable by him.	<i>No. 33, dated the 4th July, 1898.</i> [<i>Hyderabad Residency Orders</i> . Extraordinary, dated the 1st July, 1898.] <i>No. 3, dated the 13th January, 1899.</i> [<i>Hyderabad Residency Orders</i> , 1899, Pt. I, p. 13.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*concl'd.**B.—British-Hyderabad Railways Enactments.*2.-(b) LOCAL RULES AND ORDERS UNDER SPECIAL LOCAL LAWS¹—*concl'd.*

When made.	Subject of law.	Section.	Subject of Notification.	Notification.
1898	Notification applying the Hyderabad Assigned Districts Small Cause Courts Law, 1889.	11 of Law applied.	Investing the Superintendent of Railway Police with the powers of a Small Cause Court up to Rs 50 in amount, within the limits of these lands except those occupied by the Southern Mahratta Railway and the Barsi Light Railway.	<i>No. 49, dated the 17th July, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 251.]</i>
1898	Notification applying the Hyderabad Assigned Districts Courts Law, 1898.	16 (2) of Law applied.	Extending, with modifications, the rules regulating procedure for obtaining copies of civil and criminal judicial records in the Berais and prescribing fees for such copies.	<i>No. 75, dated the 8th November, 1899. [Hyderabad Residency Orders, 1899, Pt. I, p. 342.]</i>

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION.

B.—BRITISH-HYDERABAD RAILWAYS ENACTMENTS.

1.-(a) Notifications applying Acts of the Governor-General in Council.

The Factories Act, 1881 (XV of 1881).

No. 1249-I.B., dated the 12th May, 1899.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions of the Indian Factories Act, 1881 (XV of 1881), to the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in the Hyderabad Assigned Districts and those referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897):

Provided that, for the purpose of facilitating the application of the said enactment, any Court in the said railway lands may construe the provisions thereof with such alterations, not affecting the substance, as may be necessary or proper to adapt them to the matter before the Court:

Provided also that references to the Local Government shall be read as referring to the Resident Hyderabad and references to British India as referring to the said railway lands.

[See *Gazette of India*, 1899, Pt. I, p. 304.]

The Petroleum Act, 1886 (XII of 1886).

No. 1482-I., dated the 3rd May, 1894.—In exercise of the powers conferred on him by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, XXI of 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to apply the provisions, as modified below, of ² Act XII of 1886 (the Petroleum Act, 1886) to the lands in the territory of His Highness the Nizam of Hyderabad, which are occupied, or may be hereafter occupied, by the Nizam's Guaranteed State Railway Company, by the Great Indian Peninsula Railway, by the Dhond-Manmad Railway, and by the Madras Railway respectively (including the lands occupied as stations and outbuildings and for other railway purposes).

Preliminary.

Short title, commencement and local extent.

1. This Act may be called the Petroleum Act, 1886.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(1) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

¹ For British-Indian enactments in force in these lands, see *supra*, Chapter I.

For other Acts in force in these lands, except the Southern Mahratta Railway and the Barsi Light Railway, see Chapter II, *supra*, p. 33.

² This Act is now repealed in British India by the Petroleum Act, 1899 (VIII of 1899).

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B.-British-Hyderabad Railways Enactments-1. (a)-Notifications applying Acts—*contd.*The Petroleum Act, 1886 (XII of 1886)—*contd.*

(2) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer: Provided that, when all or any of the petroleum in the possession of a dealer is declared by the dealer to be of one uniform quality, the petroleum shall not be deemed to be dangerous if the samples selected from the petroleum have their flashing points on an average at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of those samples has its flashing point below seventy degrees of that thermometer:

(3) "import" means to bring into lands occupied by railways in His Highness the Nizam's territory by land; and

"importation" means the bringing into land occupied by railways in His Highness the Nizam's territory as aforesaid:

(4) "transport" means to remove from one place to another within lands occupied by railways in His Highness the Nizam's territory; and

(5) "ship" includes anything made for the conveyance by water of human beings or property.

3. (1) The flashing point of petroleum means the lowest temperature at which Matters supplemental to the the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing have been made.

(2) Notwithstanding anything in the definitions of "import," "importation" and "transport," the Resident at Hyderabad may, with the previous sanction of the Governor General in Council, from time to time, by notification in Hyderabad Residency Orders, declare that petroleum imported into the lands occupied by railways in His Highness the Nizam's territory from any part of such lands across intervening territory, not being part of such lands, shall for all or any of the purposes of this Act be deemed to be transported; and

thereupon the provisions of this Act, and of the rules made under this Act with respect to transport, shall apply to petroleum so imported.

Dangerous Petroleum.

4. (1) No quantity of dangerous petroleum exceeding forty gallons shall be Dangerous petroleum in quantities exceeding forty gallons. imported or transported, or kept by any one person or on the same premises, except under, and in accordance with the conditions of, a license from the Resident at Hyderabad granted as next hereinafter provided.

(2) Every application for such a license shall be in writing, and shall declare—

(a) the quantity of the petroleum which it is desired to import, transport or possess, as the case may be;

(b) the purpose for which the applicant believes that the petroleum will be used; and

(c) that petroleum, other than dangerous petroleum, cannot be used for that purpose.

(3) If the Resident at Hyderabad sees reason to believe that the petroleum will be used for that purpose, and that no petroleum other than dangerous petroleum can be used for the purpose, he may grant the license for the importation, transport or

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.-British-Hyderabad Railways Enactments-1. (a)-Notifications applying Acts—*contd.*****The Petroleum Act, 1886 (XII of 1886)—*contd.***

possession (as the case may be) of the petroleum absolutely or subject to such conditions as *he* thinks fit.

5. No quantity of dangerous petroleum equal to or less than forty gallons

Dangerous petroleum in quantities not exceeding forty gallons. shall be kept or transported without a license :

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stone-ware or metal vessels, each of which contains not more than a pint, and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

6. Dangerous petroleum—

- (a) which is kept at any place after seven days from the date on which it is imported, or
 - (b) which is transported, or
 - (c) which is sold or exposed for sale,
- shall be contained in vessels having attached thereto a label in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable," and with the addition—
- (d) in the case of a vessel kept, of the name and address of the consignee or owner ;
 - (e) in the case of a vessel transported, of the name and address of the sender ; and
 - (f) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum Generally.

7. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person, or on the same premises, or shall be transported, except under, and in accordance with the conditions of, a license granted under this Act.

8. (1) The Resident at Hyderabad, with the previous sanction of the Governor General in Council, may make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

(2) The rules may provide for the following among other matters, that is to say :—

in the case of licenses to possess petroleum—

- (a) the nature and situation of the premises for which they may be granted, and
- (b) the inspection of the premises and the testing of petroleum found thereon ;

in the case of licenses to transport petroleum—

- (c) the manner in which the petroleum is to be packed, the mode and time of transit, and the route by which it is to be taken, and
- (d) the stoppage and inspection of it during transit ;

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.—British-Hyderabad Railways Enactments-1. (a)-Notifications applying Acts—*contd.*****The Petroleum Act, 1886 (XII of 1886)—*contd.***

in the case of both such licenses—

- (e) the authority by which the license may be granted ;
- (f) the fee to be charged for it ;
- (g) the quantity of petroleum it is to cover ;
- (h) the conditions which may be inserted in it ;
- (i) the time during which it is to continue in force ; and
- (j) the renewal of the license.

9. Any officer specially authorized by name or by virtue of his office in this Power to inspect and require behalf by the Resident at Hyderabad may require dealer to sell samples. any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

10. When any such officer has, in exercise of the powers conferred by section 9 Notice to be given when officer or by purchase, obtained a sample of petroleum in proposes to test samples. the possession of a dealer, he may give a notice in writing to the dealer informing him that he is about to test the sample, or cause it to be tested, with the apparatus and in the manner described in the schedule to this Act, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

11. On any such testing, if it appears to the officer or other person so testing Certificate as to result of testing. that the petroleum from which the sample has been taken is or is not dangerous petroleum, the officer or other person may certify the fact : and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein ; and a certified copy of the certificate shall be given free of charge to the dealer at his request.

Penalties.

12. Any person who, in contravention of this Act or of any rules made under this Act, imports, possesses or transports any Penalty for illegal importation, possession or transport of petroleum. petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted under this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

13. Any person keeping, transporting, selling or exposing for sale petroleum in Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 6. vessels not labelled as prescribed by section 6 shall be punished with fine which may extend to five hundred rupees.

14. Any dealer in petroleum who refuses or neglects to show to any officer Penalty for refusing to comply authorised under section 9 any place or any of the with section 9. vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples, shall be punished with fine which may extend to two hundred rupees.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.—British-Hyderabad Railways Enactments-1. (a)-Notifications applying Acts—*contd.*****The Petroleum Act, 1886 (XII of 1886)—*contd.***

Confiscation of petroleum.

15. In any case in which an offence under section 12 or section 13 has been committed, the convicting Magistrate may direct that—

- (a) the petroleum in respect of which the offence has been committed, or
- (b) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of shall, together with the tins or other vessels in which it is contained, be confiscated.

16. The criminal jurisdiction under this Act shall be exercised by a Magistrate of the first class, or (where especially empowered by the Resident at Hyderabad to try cases under this Act) a Magistrate of the second class.

Test apparatus.

17. A model of the apparatus for testing petroleum under this Act, constructed in accordance with the description contained in the schedule to this Act, shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

18. (1) The Chemical Examiner shall on payment of such fee (if any) as the Governor General in Council may, from time to time, by notification in the *Gazette of India*, prescribe, compare with the said model test-apparatus, and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(2) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (1), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number, and with the date of the verification, and shall further give a certificate in writing under his hand, in a form to be prescribed by the Governor General in Council, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(3) A certificate granted under this section shall, until the contrary is proved, be conclusive proof of the matters stated therein.

(4) The Chemical Examiner shall keep a register, in a form to be prescribed by the Governor General in Council, of the certificates granted under this section.

(5) Subject to the payment of such fees as the Governor General in Council may, by notification in the *Gazette of India*, prescribe in this behalf, the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

19. The Resident at Hyderabad may, from time to time, by notification in Hyderabad Residency Orders, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act,

Power to exempt petroleum from operation of this Act.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B.—British Hyderabad Railways Enactments-1. (a) Notifications applying Acts—*contd.*The Petroleum Act, 1896 (XII of 1896)—*contd.*

any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer, and is imported as ordinary goods and in quantity not exceeding that specified in the notification.

20. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 4, 5 and 7, the quantities of the fluid to which those sections shall apply.

21. The Governor General in Council may, from time to time, by notification in the *Gazette of India*, and in the local official Gazette, limit in any manner he deems fit the operations of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

22. A notification made under this Act may be revoked or varied by the authority making it by a notification published in the same manner as the notification so revoked or varied.

23. (1) The Resident at Hyderabad shall, before making rules under this Act, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(2) The publication shall be made in the Hyderabad Residency Orders in English and such other language or languages as the said Resident may consider necessary, and also in such other manner (if any) as the Resident may think proper.

(3) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(4) The said Resident shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(5) A rule made under this Act shall not take effect until it has been published in the manner aforesaid.

(6) The publication in Hyderabad Residency Orders of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

(7) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

I.—*Nature of the Test-apparatus.*

The apparatus consists of the following parts:—

- (1) the oil-cup;
- (2) the cover, with slide, test-lamp and clock-work arrangement for opening and closing the holes in the cover and for dipping the test-flame;

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.—British-Hyderabad Railways Enactments-1. (a)—Notifications applying Acts—*contd.*****The Petroleum Act, 1886 (XII of 1886)—*contd.***

- (3) the water-bath or heating vessel ;
- (4) the tripod stand, with jacket and spirit-lamp for heating the water-bath ;
- (5) the thermometer for indicating the temperature of the oil in the oil-cup ;
- (6) the thermometer for indicating the temperature of the water in the water-bath ;
- (7) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup ;
- (8) the dropping bottle or *pipette* for replenishing the test-lamp ; and
- (9) a barometer standardised at such Meteorological Office or other place as the Resident at Hyderabad may appoint in this behalf.

The oil-cup is a cylindrical flat-bottomed vessel made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close-fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover in front of and in a line with the nozzle of the lamp is fixed a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two ; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer to indicate the temperature of the water. It is also provided with a funnel, an overflow pipe, and two handles.

The water-bath rests upon a tripod stand, which is fitted with copper cylinder or jacket, so that the bath is surrounded by an enclosed air space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clock-work arrangement, by which during the operation of testing, the slide is withdrawn and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test and with a trigger for starting it each time that the test-flame is applied.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.-British-Hyderabad Railways Enactments—1. (a)-Notifications applying Acts—*contd.*****The Petroleum Act, 1886 (XII of 1886)—*contd.****II.—Directions for drawing the sample and preparing it for testing.*

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorised by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about 40 fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

2. *Preparing the sample for testing.*—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer introduced into the oil indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the test-apparatus.

Preparing the water-bath.—The water-bath is filled by pouring water into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in this first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wick-holder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pipette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B. British-Hyderabad Railways Enactments-1 (a)-Notifications applying Acts—*contd.*****The Petroleum Act, 1886 (XII of 1886)—*contd.***

4. *Application of the test.*—The water-bath with its thermometer in position is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clock-work wound up by turning the key. The thermometer in the oil-cup is now watched, and when the temperature has reached 56° Fahrenheit, the clock-work is set in motion by pressing the trigger.

If no flash takes place, the clock-work is at once re-wound, and the trigger pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit, the temperature at which it occurs is to be recorded. Two fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, and if in no instance the flash has taken place within 8° of the temperature at which the testing is commenced, each result is to be corrected for atmospheric pressure as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, while in no instance has the flash taken place within 8° of the temperature at which the testing was commenced, the series of tests is to be rejected, and a fresh series of three similarly obtained and so on, until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

If, however, a flash has occurred at or below 64° when the test is applied in the manner above described, the next testing shall be commenced 10° lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°, and until a flash has not occurred in any of the three tests within 8° of the temperature at which the testing is commenced: Provided always that, if at the commencement of the series of tests a flash has occurred on the first application of the test-flame at 56°, and if a flash has also occurred on the first application of the flame in each of three successive tests in which thereupon the test-flame is first applied at 46° as above directed, the testing officer shall certify that the petroleum has a flashing point below 47°, and the sample shall be reported dangerous.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But if the petroleum is oil ordinarily used for lubricating purposes, and is declared to have its flashing point at or above 200°, or oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows:—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B. British Hyderabad Railways Enactments—1. (a) Notifications applying Acts—*contd.*The Petroleum Act, 1886 (XII of 1886)—*contd.*

into the funnel (the hot water escaping by the overflow pipe). The air chamber is then to be filled to a depth of $1\frac{1}{2}$ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath, and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied from 96° Fahrenheit at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit or 120° Fahrenheit, as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2). without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test, a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled; as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1.6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air-pressure at the time of the experiment,—that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule giving the flashing points of oils ranging from 65° to 80° Fahrenheit under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71° , the barometer being at 28.6 inches; take the nearest number to 71° in the vertical column headed 28.6. This number is 70.8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number, that is, the true flashing point of the oil, is 73° .

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B. British- Hyderabad Railways Enactments-1 (a)-Notifications applying Acts—*contd.***The Petroleum Act, 1836 (XII of 1836)—*concl'd.**Table for correction of Flashing Points indicated by the Test for variations in Barometric Pressure on either side of Thirty Inches.*

Barometer in Inches.

27	27 2	27 4	27 6	27 8	28	28 2	28 4	28 6	28 8	29	29 2	29 4	29 6	29 8	30	30 2	30 4	30 6	30 8	31
Flashing Point in Degrees Fahrenheit.																				
60.2	60.5	60.8	61.2	61.5	61.8	62.1	62.4	62.8	63.1	63.4	63.7	64.1	64.4	64.7	65	65.3	65.6	66	66.3	66.6
61.2	61.5	61.8	62.2	62.5	62.8	63.1	63.4	63.8	64.1	64.4	64.7	65	65.4	65.7	66	66.3	66.6	67	67.3	67.6
62.2	62.5	62.8	63.2	63.5	63.8	64.1	64.4	64.8	65.1	65.4	65.7	66	66.4	66.7	67	67.3	67.6	68	68.3	68.6
63.2	63.5	63.8	64.2	64.5	64.8	65.1	65.4	65.8	66.1	66.4	66.7	67	67.4	67.7	68	68.3	68.6	69	69.3	69.6
64.2	64.5	64.8	65.2	65.5	65.8	66.1	66.4	66.8	67.1	67.4	67.7	68	68.4	68.7	69	69.3	69.6	70	70.3	70.6
65.2	65.5	65.8	66.2	66.5	66.8	67.1	67.4	67.8	68.1	68.4	68.7	69	69.4	69.7	70	70.3	70.6	71	71.3	71.6
66.2	66.5	66.8	67.2	67.5	67.8	68.1	68.4	68.8	69.1	69.4	69.7	70	70.4	70.7	71	71.3	71.6	72	72.3	72.6
67.2	67.5	67.8	68.2	68.5	68.8	69.1	69.4	69.8	70.1	70.4	70.7	71	71.4	71.7	72	72.3	72.6	73	73.3	73.6
68.2	68.5	68.8	69.2	69.5	69.8	70.1	70.4	70.8	71.1	71.4	71.7	72	72.4	72.7	73	73.3	73.6	74	74.3	74.6
69.2	69.5	69.8	70.2	70.5	70.8	71.1	71.4	71.8	72.1	72.4	72.7	73	73.4	73.7	74	74.3	74.6	75	75.3	75.6
70.2	70.5	70.8	71.2	71.5	71.8	72.1	72.4	72.8	73.1	73.4	73.7	74	74.4	74.7	75	75.3	75.6	76	76.3	76.6
71.2	71.5	71.8	72.2	72.5	72.8	73.1	73.4	73.8	74.1	74.4	74.7	75	75.4	75.7	76	76.3	76.6	77	77.3	77.6
72.2	72.5	72.8	73.2	73.5	73.8	74.1	74.4	74.8	75.1	75.4	75.7	76	76.4	76.7	77	77.3	77.6	78	78.3	78.6
73.2	73.5	73.8	74.2	74.5	74.8	75.1	75.4	75.8	76.1	76.4	76.7	77	77.4	77.7	78	78.3	78.6	79	79.3	79.6
74.2	74.5	74.8	75.2	75.5	75.8	76.1	76.4	76.8	77.1	77.4	77.7	78	78.4	78.7	79	79.3	79.6	80	80.3	80.6
75.2	75.5	75.8	76.2	76.5	76.8	77.1	77.4	77.8	78.1	78.4	78.7	79	79.4	79.7	80	80.3	80.6	81	81.3	81.6

[See *Gazette of India*, 1894, Pt. I, p. 230.]

The Indian Railways Act, 1890 (IX of 1890), and rules and orders thereunder.

No. 3063-I.B., dated the 13th August, 1897.— * * * * *

And whereas the Rulers or Administrators of the other States mentioned in the second column of the schedule hereto annexed have ceded to the British Government full jurisdiction, or all the jurisdiction they had, or the jurisdiction necessary for the administration of railways and of civil and criminal justice in connection therewith, within the lands which lie within their respective territories, or which lie within the parts of their respective territories mentioned or referred to in the third column of the said schedule, and are occupied, or may be hereafter occupied, by the Railways mentioned opposite their names, respectively, in the first column of the said schedule (including the lands occupied by stations and out-buildings and for other purposes connected with the Railway); and whereas the Governor General in Council now has jurisdiction within those lands:

In exercise of the jurisdiction referred to, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879),

¹ The two paragraphs here omitted relate to railways that do not pass through His Highness the Nizam's Dominions.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B.—British-Hyderabad Railways Enactments-1 (a)-Notifications applying Acts—*contd.*The Indian Railways Act, 1890, etc.—*contd.*

and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders :—

- I.—The provisions, so far as they may be suitable, and as amended for the time being and from time to time by subsequent enactments, of the Indian Railways Act, 1890 (IX of 1890), shall apply to all the aforesaid lands.
- II.—In exercise of the powers conferred by section 16, read with section 148, sub-section (I), of the said Act so applied, the Governor General in Council is pleased to sanction the use of locomotive engines or other motive power, and rolling-stock to be drawn or propelled thereby, on all railways occupying any of the aforesaid lands.
- III.—The general rules for working open lines of railway administered by the Government which were published under the Notification of the Government of India in the Public Works Department, No. 118, dated the 21st March, 1895, in the *Gazette of India* for 1895, Part I, page 173, shall, as modified for the time being and from time to time for British India, apply to all lines of railway administered by the Government occupying any of the aforesaid lands, and for the time being used for the public carriage of passengers, animals or goods.
- IV.—The general rules published under the Notification of the Government of India in the Public Works Department, No. 118, dated the 21st March, 1895, shall apply also to—
 - (a) lines of railway not administered by the Government, occupying any of the aforesaid lands and for the time being used for the public carriage of passengers, animals or goods, from such dates and with such modifications as may from time to time be prescribed in respect of their application to the portions of such lines respectively which lie in British India, or to the respective railway systems in British India which administer such lines ;
 - (b) the railways comprised in the undertaking of the Nizam's Guaranteed State Railway Company and the ¹*Morvi Railway*, from such dates and with such modifications as may from time to time be prescribed in respect of their application to the Bezwada Extension of the East Coast State Railway, and to the ¹*Bhavnagar-Gondal-Junagad-Portbandar Railway*, respectively.
- V.—The general rules for working railways under construction and not used for the public carriage of passengers, animals or goods, which were published under the Notification of the Government of India in the Public Works Department, No. 480¹, dated the 30th October, 1890, in the *Gazette of India* for 1890, Part I, page 795, shall apply to such portions of the railways occupying any of the aforesaid lands as may for the time being be under construction or sanctioned for construction.

¹ For these Railways, see the Western India Volume.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.—British-Hyderabad Railways Enactments—1. (a)—Notifications applying Acts—*contd.*****The Indian Railways Act, 1890, etc.—*contd.***

- VI.**—Subject to the modification prescribed in the Circular of the Government of India in the Public Works Department, No. 18-Railway, dated the 2nd November, 1895, published in the *Gazette of India*, 1895, Part I, page 948, and any further modifications from time to time prescribed for British India, the rules framed under sections 84 and 85 of the said Indian Railways Act, 1890, which are appended to the Circular of the Government of India in the Public Works Department, No. 7-Railway, dated the 19th April, 1895, published in the *Gazette of India*, 1895, Part I, pages 336 to 338, and the directions contained in paragraphs 2 and 3 of the Resolutions embodied in that circular, shall apply to the railways occupying the aforesaid lands.
- VII.**—In exercise of the authority given by section 135 of the said Indian Railways Act, 1890, applied as aforesaid, the Governor General in Council is pleased to declare that the provisions of the Notifications of the Government of India in the Public Works Department No. 270, dated the 12th June, 1890, published in the *Gazette of India* for 1890, Part I, page 438, and No. 136, dated the 5th April, 1893, published in the *Gazette of India* for 1893, Part I, page 190, declaring railway administrations in British India to be liable to pay certain taxes in aid of the funds of local authorities, shall apply, and shall be deemed to have applied (save as regards any tax actually paid or accrued due before the date of this notification), with effect from the dates which they bear, respectively, to the administrations of the railways occupying the aforesaid lands.
- VIII.**—In exercise of the power conferred by section 144 of the said Indian Railways Act, 1890, applied as aforesaid, the Governor General in Council is pleased to delegate to Local Governments, to the extent and subject to the conditions hereinafter specified, the following powers and functions which are now vested in him under the said Act so applied, the powers and functions hereby delegated being liable to be revoked or varied, and the exercise and discharge thereof to be controlled, as the Governor General in Council may from time to time think fit:
- (1) *Sections 7, 9 and 11.*—All the powers and functions of the Governor General in Council, subject to the proviso that the exercise and discharge of such powers and functions shall not entail any expenditure in excess of the general powers of sanction of the Local Government concerned.
 - (2) *Section 48.*—All the powers and functions of the Governor General in Council, but only in cases where the railways concerned are under the control of one and the same Local Government.
 - (3) *Section 51, clauses (a), (b), (c), (d), and (e), and section 55.*—All the powers and functions of the Governor General in Council.
 - (4) *Section 63.*—The power of determining the vernacular languages in which the maximum number of passengers to be carried in each compartment shall be exhibited.

CHAPTER VII. —RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.-British-Hyderabad Railways Enactments-1 (a)-Notifications applying Acts—*contd.***

The Indian Railways Act, 1890, etc.—*contd.*

(5) *Section 83.*—The power of notifying the Magistrates and Police-officers to whom notices of railway accidents are to be given.

IX.—The Governments and authorities mentioned in the fourth column of the schedule hereto annexed shall be deemed, for the purposes of the said Indian Railways Act, 1890, applied as aforesaid, and of clause VIII of this notification, to be the Local Governments in respect to such parts of the railways mentioned opposite their names, respectively in the first column of the said schedule, as are situate within the territories of the States mentioned opposite their names, respectively, in the second column of the said schedule.

X.—The following notifications of the Government of India in the Foreign Department are hereby cancelled : —

No. 1328-I., dated the 23rd March, 1891.	No. 105-I., dated the 11th January, 1894.
" 3149-I., " 29th July, 1891.	" 3255-I., " 20th September 1894.
" 3191-I., " 31st July, 1891.	" 1579-I., " 17th May, 1895.
" 285-I., " 21st January, 1892.	" 1582-I., " 17th May, 1895.
" 504-I., " 9th February, 1893.	" 139-I., " 9th January 1896.
" 507-I., " 9th February, 1893.	" 228-I., " 16th January, 1896.
" 766-I., " 2nd March, 1893.	" 419-I., " 30th January, 1896.
" 2111-I., " 15th June, 1893.	" 509-I., " 6th February, 1896
" 2431-I., " 13th July, 1893.	" 821-I., " 3rd March, 1896.
" 3464-I., " 5th October, 1893.	" 1129-I., " 2nd April, 1896.
" 3651-I., " 19th October, 1893.	

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B-British-Hyderabad Railways Enactments-1 (a)-Notifications applying
*Acts.—concl'd.*The Indian Railways Act, 1890, etc.—*contd.*SCHEDULE.¹*Railway Lands on which the Government of India exercise jurisdiction.*

Railway.	State.	Specified parts of the State within which jurisdiction has been ceded over railway lands.	Government or Authority deemed to be the "Local Government."
1	2	3	4
* * *	* * *	* * *	* * * *
Barsi Light Railway	Hyderabad . . .	.....	The Government of Bombay.
* * * *	* * * *	* *	* * * *
Dhond-Manmad State Railway.	Hyderabad . . .	.....	The Resident at Hyderabad.
* * * *	* * *	* * *	* * * *
Great Indian Peninsula Railway.	Hyderabad . . .	.....	The Resident at Hyderabad.
* * *	* *	*	* * * *
Madras Railway . . .	Hyderabad . . .	.....	The Resident at Hyderabad.
* *	* * * *	* * * *	* * *
The Railways comprised in the undertaking of the Nizam's Guaranteed State Railways Company.	Hyderabad . . .	.....	The Resident at Hyderabad.
* * *	*	* *	* * * *
Southern Mahratta Railway—			
(1) Main line . . .	Hyderabad . . .	{ The villages of Angondankop, Bannikop, Basapur, Bhanapur, Bevinhalli, Bullapur, Dudagal, Gintgeri, Halgeri, Hatanbal, Hosahalli, Itgi, Khanapur, Kidadhal, Kuppul, Melenaikankop, Manapur, Rudrapur, Sompur, Talbal, Talkal, and Yetinhalli.	{ The Government of Bombay.
*		* * * *	* * * *

[See *Gazette of India*, 1897, Pt. I., p. 722.]¹ Only those portions of the Schedule are here set out which affect Railways in the dominions of His Highness the Nizam.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.-British-Hyderabad Railways Enactments-1. (b)—Special Local Laws.**

Rules for the sale of liquors, etc., to soldiers on Hyderabad Railways.²

No. 23, dated the 14th January, 1886.—

RULES for prohibiting the sale of spirituous liquors, wines, or intoxicating drugs to troops at Rest Camps and Railway Stations on railway lines passing through His Highness the Nizam's territory.

(1) If within the Railway limits or Rest Camps any person knowingly barter, sells, or supplies, or offers or attempts to barter, sell or supply, any spirituous liquor, wine, or intoxicating drug to or for the use of any European soldier, or to or for the use of any European or Eurasian being a camp follower or a soldier's wife without a written license from the *Judicial Superintendent of Railways, Hyderabad*,³ or Officer Commanding the Detachment, the person so bartering, selling or supplying or offering or attempting to barter, sell or supply such liquor, wine, or drug, shall be liable, on conviction, to fine which may extend to one hundred rupees or to imprisonment for a term which may extend to three months, or, in lieu of such fine or imprisonment, to the punishment of whipping as prescribed for offences under section 2 of Act No. VI of 1864 (to authorise the punishment of whipping in certain cases)⁴ subject to all the provisions of that Act.

Proviso.—Soldiers and their families travelling alone or in small parties not under the command of an officer will, on application at 2nd class Refreshment Rooms and provided the men are in uniform and sober, be supplied on payment with refreshments at the undermentioned rates. Only one pint of beer for each man or woman will be obtainable at a station :

* * * * *

Great Indian Peninsula Railway.

A pint bottle of English beer . . . 6 annas.

* * * * *

Madras Railway.

A pint bottle of English beer . . . 6 annas.

Nizam's Guaranteed State Railway.

A pint bottle of English beer . . . 6 annas.

(2) If any person convicted of an offence under Rule 1 is again convicted of an offence under that rule, any spirituous liquor, wine, or intoxicating drug within such limits which, at the time of the commission of such subsequent offence, belongs to him, or is in his possession, shall, without further proof, be deemed to be in his possession for the purpose of being supplied to European soldiers contrary to the provisions of these rules.

¹ See also Chapter II *supra*, p. 33.

² These rules do not apply to the Southern Mahratta Railway and the Barsi Light Railway in Hyderabad.

³ This appointment no longer exists. The Superintendent of the Residency Bazaars is now the District Magistrate within Railway Lands.

⁴ This Act is in force in these lands, except those occupied by the Southern Mahratta Railway and the Barsi Light Railway, in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.—British-Hyderabad Railways Enactments—1. (b) Special Local Laws¹—*contd.*****Rules for the sale of liquors, etc., to soldiers on the Hyderabad Railways²—*concl.***

(3) If any person is found committing any offence contrary to Rule 1, any police officer may immediately without warrant arrest such person, and also seize any spirituous liquor, wine, or intoxicating drug which may be found within such limits in his possession, and shall thereupon without delay take such person, together with the things so seized, before *the Judicial Superintendent of Railways*.³

(4) In case of a conviction for any offence under Rule 1, *the Judicial Superintendent of Railways*³ may adjudge any liquor, wine or intoxicating drug in respect of which the accused is convicted, and any other spirituous liquor, wine or intoxicating drug found in his possession within such limits at the time of committing the offence, to be confiscated, and *the Judicial Superintendent of Railways*³ may order the whole or any part or parts of any fine imposed under these rules to be paid, as soon as the same is realized, to the person upon whose information such conviction takes place, or to the officer who has apprehended the offender or seized any spirituous liquor, wine or intoxicating drug, adjudged to be confiscated.

(5) Anything seized under rule (3) in respect of which any person is charged with an offence under these rules may be ordered to be detained until the person in whose possession the same has been seized is convicted or acquitted of the offence charged. If such person is acquitted, anything so seized shall be restored; if he is convicted, such of the things only, if any, as are not adjudged by *the Judicial Superintendent of Railways*³ to be confiscated, shall be restored; the remainder shall be dealt with as confiscated.

[See *Hyderabad Residency Orders*, 1886, Pt. I, p. 25].

Rules for the payment of the expenses of complainants and witnesses in criminal cases.

No. 178, dated the 12th July, 1889; printed supra, p. 457.

Nagpur Jail declared to be a prison for territories subject to the Resident.

No. 3723-I., dated the 20th September 1899, printed supra, p. 361.

Rules for conveyance of arms, etc., on these Railways.

No. 4080-I., dated the 3rd December, 1890.—Whereas His Highness the Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands in his territory which are occupied, or may be hereafter occupied, by His Highness the Nizam's Guaranteed State Railways Company, by the Great Indian Peninsula Railway, and by the Madras Railway, respectively (including the lands occupied as stations, for out-buildings, and for other railway purposes): In exercise of this jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that the following rules shall be enforced on the aforesaid Railways within the Hyderabad State:—

I. “Cannon,” “arms,” “ammunition” and “military stores” have respectively the meanings assigned to them in the Indian Arms Act, 1878 (XI of 1878), except that the expression

Definition.

¹ See also Chapter II *supra* p. 83.

² These rules do not apply to the Southern Mahratta Railway, the Barsi Light Railway and Godavari Valley Railway.

³ See footnote No. 3 on preceding page.

⁴ This definition was substituted for the original definition of these terms by Notification No. 2036-I. B., dated the 5th August, 1898, see *Gazette of India*, 1898, Pt. I, p. 879.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.—British-Hyderabad Railways Enactments-1. (b)—Special Local Laws¹—*contd.*****Rules for conveyance of arms, etc., on these Railways—*contd.***

“military stores” includes sulphur when in quantities exceeding ten sers in weight and leaden bird-shot and bullets when possessed in quantities exceeding one hundred-weight at any one time.

“Export” means transmission from any station within to any station without the Hyderabad State.

“Import” means transmission from any station without to any station within the Hyderabad State.

“Transport” means transmission from one station to another, both being situate within the Hyderabad State.

Explanation.—Stations on the Great Indian Peninsula Railway in Berar are not, for the purposes of these rules, to be regarded as within the Hyderabad State.

II.—(a) The export, without the special permission of the Resident, of arms ammunition, or military stores is forbidden.

(b) Station Masters to whom arms, ammunition, or military stores unaccompanied by evidence of such special permission are tendered for despatch shall detain them and report the matter through the Superintendent of Railway Police for the orders of the Resident.

III.—Arms, ammunition, or military stores imported by rail shall not be delivered to any importer or consignee unless—

- Import.
- (a) the importer or consignee produces the original license issued by the Secretary to the Government of India, Foreign Department, the Commissioner of Police at Bombay or Madras, the Deputy Commissioner of Police at Calcutta, or other competent authority, as the case may be, authorising the import, and
 - (b) the senior police officer at the station to which the consignment is consigned has compared the consignment with the license and authorised the Station Master to make delivery.

For the purpose of making the comparison required by clause (b) the police officer shall have power to open any package which he thinks suspicious.

IV.—Every Station Master shall give information to the officer mentioned in clause (b) of the preceding rule of the arrival at his station of any consignment of imported arms, ammunition, or military stores.

V.—A Station Master, at whose station a consignment of imported arms, ammunition, or military stores arrives, may, after obtaining the sanction of the Superintendent of Railway Police, but not otherwise, forward the consignment, should the owner or consignee desire him to do so, to any other station in the Hyderabad State.

VI.—No license shall be necessary in respect of arms and ammunition tendered for despatch from one station to another within the Hyderabad State, but immediate information regarding such consignment shall be given to the senior police-officer at the stations of despatch and receipt by the Station Masters concerned.

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B.-British-Hyderabad Railways Enactments-1. (b)-Special Local Laws¹—*contd.*Rules for conveyance of arms, etc., on these Railways—*contd.*

VII.—Arms shall not in ordinary cases be taken from passengers; but if a Station Master has reasonable ground for apprehending a disturbance from the possession of arms by a passenger, he may refuse to carry the passenger, unless he delivers up his arms. If the passenger gives up his arms, they shall be labelled with the name and description of the owner, entered in the roadway bill, and delivered free of charge to the owner at his journey's end. *Provided* that no native gentleman, or other person who has a license to carry arms granted by competent authority, shall, except in the case of evident and undoubted necessity, be asked to give up his personal arms under this rule.

VIII.—Every person employed upon the Railway shall, in the absence of reasonable excuse, the burden of proving which shall be upon him, be bound to give information to the nearest police-officer regarding any box, packet, or bale in transit which he has reason to believe contains arms, ammunition, or military stores in respect of which an offence against these rules has been, or is being, committed.

Penalties.

IX.—(i) Whoever commits any of the following offences (namely):—

- (a) exports any arms, ammunition, or military stores without obtaining the special permission of the Resident at Hyderabad,
- (b) imports any arms, ammunition, or military stores without obtaining a license,

shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

(ii) Whoever commits any of the following acts in respect of arms, ammunition or military stores (namely):—

- (a) imports quantities in excess of the quantities entered in his license,
- (b) causes the articles imported to be brought to a station other than that mentioned in the license,
- (c) imports after the expiration of the period for which the license has been granted,
- (d) omits to give information as required by rule VIII,

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

X.—(1) When a Magistrate convicts any person under the last preceding rule

Confiscation of arms, etc. he may direct that the arms, ammunition, or military stores in respect of which the conviction is obtained, or, if the conviction is for importing arms, ammunition, or military stores in excess of the quantities entered in a license, that such excess shall be confiscated.

(2) A Magistrate shall have the same power with respect to arms, ammunition, and military stores, regarding which there is reasonable ground to believe that they have been imported contrary to these rules, but in respect of which no conviction has been obtained, because the owner or consignee cannot be found. In such cases notice calling upon the owner to appear shall be published for three months at the railway station to which the arms, ammunition, or military stores have been brought, and at such other places as the Magistrate thinks necessary.

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B-British-Hyderabad Railway Enactments-1. (b)-Special Local Laws¹—*contd.*****Rules for conveyance of arms, etc., on these Railways—*concl'd.***

XI.—When a Magistrate confiscates any arms, ammunition, or military stores, he may also confiscate any boxes, bales, or the like in which they may have been placed, together with their contents.

XII.—The orders of the Resident shall be taken regarding the disposal of articles confiscated under these rules, and such orders shall be final.

XIII.—(1) A Magistrate may award up to one-half the amount of any fine inflicted under these rules, and up to one-half the sale price of any confiscated articles sold under these rules, to any person, whether in the employ of a Railway Company or not, who has given information leading to a conviction.

(2) Cases in which no fine is inflicted, or in which it appears desirable to give a reward larger than is provided for above, shall be submitted for the orders of the Resident.

XIX.—These rules supersede the rules made by the Resident at Hyderabad, with the concurrence of His Highness the Nizam's Government, on the 21st May 1883.

[See *Gazette of India*, 1890, Pt. I, p. 863.]

Rules regarding the transit of opium by railway in His Highness the Nizam's dominions.

No. 24, dated the 15th August, 1892.—The following revised rules regarding the transit of opium by railway in His Highness the Nizam's dominions are published in supersession of those contained in Resident's Notification No. 15 of the 13th April, 1892:—

I.—No station master shall, without the special orders of the Resident, receive any opium offered for consignment to any station outside His Highness' territories.

Export.

Import.

II.—The import of opium into the dominions of His Highness by rail is prohibited, unless—

(a) It has been consigned from Indore.

(b) It is consigned to the Hyderabad station to the care of the Taluqdar of Abkari, or to Gulburgah or Warangal stations to the care of the First Taluqdar of these districts.

(c) It is covered by a pass granted by the Deputy Opium Agent, Indore.

Should opium consigned to any place in His Highness' dominions not mentioned in clause (b) arrive at any railway station in Hyderabad territory, the station-master must detain it, and report the matter through the Superintendent, Railway Police, for the orders of the Resident.

N. B.—Opium can also be consigned to Aurangabad *via* Khandwa and Nandgaon, but as such consignments do not enter His Highness the Nizam's territory by rail, they do not come within the scope of these rules.

III.—Opium consigned to any of the places mentioned in clause (b), rule II, shall be made over to the consignee or his agent on his producing the pass mentioned

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*

B.-British-Hyderabad Railways Enactments-1 (b)-Special Local Laws¹—contd.

Rules regarding the transit of opium by railway in His Highness the Nizam's dominions—*contd.*

in clause (c) of the same rule in the presence of the senior officer of the Railway Police and of the Customs Officer at the station. It shall be the duty of these officers to see, before the opium leaves the station, that the seals of the packages are unbroken, that their weight tallies with that entered in the pass, and that the term for which the pass is valid has not been exceeded. The date on which the package reaches the station shall be deemed to be the date of import, and not the date on which the delivery may be made. Should it appear to the Railway Police Officer that the package has been opened *en route*, or that there is other reason for suspicion, he is authorized to open the package and weigh the opium.

IV.—The Superintendent of Railway Police shall keep a register in the form attached, and he should report all suspicious cases for the orders of the Resident.

V.—There are no restrictions on the transport of opium from stations in the territories of His Highness to other stations within the same territories, but immediate information regarding such consignments shall be given to the senior Police-officers at the station of despatch and receipt by the respective station masters.

[illegible]

[See *Hyderabad Residency Orders*, 1892, Pt. I, p. 158.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***B.-British-Hyderabad Railways Enactments-1: (b)-Special Local Laws¹—*contd.***

Investing the Superintendent of Police, Raichur, with certain Small Cause Court powers within the Madra Railway.

No. 20, dated the 21st August, 1891.—The Resident at Hyderabad is pleased with the sanction of the Governor General in Council, to invest the Superintendent of Police in the Cantonment of Raichore with jurisdiction as a Court of Small Causes within the lands occupied by the Madras Railway in His Highness the Nizam's territory to try all suits cognizable under Act IX of 1887, when the amount or value of the subject-matter does not exceed one hundred rupees.

[See *Hyderabad Residency Orders*, 1891, Pt. I, p. 161.]

Administration of civil and criminal justice and laws in force in the Southern-Mahratta Railway in Hyderabad.

No. 4564-I., dated the 18th November, 1891.—Whereas His Highness the

1. Angondankop.	12. Itgi.	Nizam of Hyderabad has granted to the British Government full jurisdiction within the lands situate in the villages in his territory named in the margin which are occupied, or may be hereafter occupied, by the Southern Mahratta Railway (including the lands occupied by stations and for out-buildings and other purposes connected with the said Railway) :
2. Bannikop.	13. Khanapur.	
3. Basapur.	14. Kidadhal.	
4. Bhanapur.	15. Koppal.	
5. Bevinhalli.	16. Malenaikankop.	
6. Bullapur.	17. Manapur.	
7. Dudagal.	18. Rudrapur.	
8. Ginigeri.	19. Sompur.	
9. Halgeri.	20. Talbal.	
10. Hatanbal.	21. Talkai.	
11. Hosahalli.	22. Yetthinalli.	

In exercise of this jurisdiction, and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI. of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to issue the following orders:—

- (1) All laws for the time being in force in the Dharwar district of the Bombay Presidency shall be deemed to be in force in the said lands.
- (2) The Governor of Bombay in Council and all officers of the Government subordinate to him exercising executive authority (other than the administration of the police) in the Dharwar district shall have within the said lands the same executive powers as they may respectively exercise within the British territories subject to their administration.
- (3) Subject to any directions from time to time given by the Governor of Bombay in Council by Notification in the *Bombay Government Gazette*, all Courts having for the time being civil or criminal jurisdiction within the Dharwar district shall exercise the like jurisdiction within the said lands.
- (4) The administration of the Police within the said lands shall be vested in the Superintendent of Police for the time being of the Southern Maratha Railway, who shall exercise therein the same police powers as may for the time being be exercised by a District Superintendent of Police in the Dharwar district, in subordination to the same authorities as those to which a District Superintendent of Police in the Dharwar district is for the time being subordinate.
- (5) So much of the Notifications of the Government of India in the Foreign Department, No. 1143-I. and No. 1144-I., dated the 22nd March 1888, as applies to the Southern Maratha Railway, is cancelled.

[See *Gazette of India*, 1891, Pt. I, p. 63.]

¹ See also Chapter II *supra*, p. 33.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.*B.-British-Hyderabad Railways Enactments-1 (b)-Special Local Laws¹—*concl'd.*Administration of civil and criminal justice and laws in force in the
Barsi Light Railway in Hyderabad.

No. 3244-I.B., dated the 26th August, 1897.—Whereas His Highness the Nizam of Hyderabad has ceded to the British Government full civil and criminal jurisdiction within the lands lying within his State which are, or may hereafter be, occupied by the Barsi Light Railway (including the lands occupied by stations, by out-buildings and for other railway purposes):

In exercise of such jurisdiction and of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to provide as follows for the administration of justice within the said lands:—

1. All laws for the time being in force in the Sholapur District of the Presidency of Bombay shall be in force in the said lands.

2. The Governor of Bombay in Council and all officers subordinate to the Government of Bombay for the time being exercising executive authority (other than in connection with the administration of the Police) in the Sholapur District shall exercise the like authority within the said lands.

3. All Criminal Courts having for the time being jurisdiction within the Sholapur District and all Civil Courts having for the time being jurisdiction within the Sholapur-Bijapur District shall have the like jurisdiction, respectively, within the said lands.

4. The administration of the Police within the said lands shall be vested in the Superintendent of the Great Indian Peninsula Railway Police, who shall exercise within the said lands the same police powers as he may for the time being exercise on the portion of the Great Indian Peninsula Railway which lies within the Sholapur District, in subordination to the authorities to whom he may be for the time being subordinate when exercising those powers on that portion of that railway.

5. The said lands shall be deemed to be included for the purposes of clauses 2 and 3, respectively, of this notification within such taluka or other sub-division of the Sholapur and Sholapur-Bijapur Districts as the Governor of Bombay in Council shall from time to time, by Notification in the Bombay Government Gazette, direct.

[See *Gazette of India*, 1897, Pt. I, p. 773.]

Administration of the Godavari Valley Railway.

No. 3382-I.B.; dated the 13th November, 1899.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879 (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare that the Notification of the Government of India in the Foreign Department,² No. 1811-I.-B., dated the 1st July, 1898,

No. 1892½-I.B., dated the 9th July, 1898,

No. 2779-I.B., dated the 17th October, 1898

No. 380-I.B., dated the 10th February, 1899.

No. 1245-I.B., dated the 12th May, 1899.

No. 1632 I.B., dated the 16th June, 1899.

as modified by the Notifications of the same Department cited on the margin, shall be held to apply to the lands which are occupied, or may hereafter be occupied, by the Hyderabad Godavari Valley,

Railway (including the lands occupied by stations and outbuildings and for all other purposes connected with the railway).

[See *Gazette of India*, 1899, Pt. I, p. 1023.]

¹ See also Chapter II *supra*, p. 33.

² Printed *supra*, p. 39.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***2.-(a) Local Rules and Orders under British-Indian Enactments locally applied.**

Orders under the Railways Act, 1890.

See *Notification No. 3063-I.B., dated the 13th August, 1891*; printed, *supra*, p. 676.

Order under section 35 of the Court-fees Act, 1870, exempting from Court-fees applications for the refund of fines.

No. 2991-I.B., dated the 25th September, 1896; printed, *supra*, p. 360.

Order applying the Rules under the Telegraph Act, 1885.

No. 1007-I., dated the 4th March, 1891.—In continuation of the Foreign Department Notifications Nos. 1144-I., dated the 22nd March, 1888, and 2065-I., dated the 22nd May, 1889, applying the provisions of Act XIII of 1885 (The Indian Telegraph Act) to lands in the territory of His Highness the Nizam of Hyderabad which are occupied, or may be hereafter occupied, by the Nizam's Guaranteed State Railway Company, by the Great Indian Peninsula Railway, by the Dhond-Manmad Railway, by the Madras Railway, and by the Southern Mahratta Railway, respectively (including the lands occupied as stations, out-buildings, and for other railway purposes), the Governor General in Council is pleased to direct that the rules in force from time to time under the said Act in British India shall be deemed to be similarly in force in the aforesaid lands.

[See *Gazette of India*, 1891, Pt. I, p. 124.]

Order under the Code of Criminal Procedure, investing the Assistant Cantonment Magistrate, Sikandarabad, with the powers of a first class Magistrate.

No. 4997-I., dated the 23rd December, 1891.—In continuation of the Notification of the Government of India in the Foreign Department,¹ No. 1143-I., dated the 22nd March, 1888, as modified by Notification No. 2065-I., dated the 22nd May, 1889, the Governor General in Council is pleased to appoint the officer for the time being holding the appointment of Assistant Cantonment Magistrate at Sikandarabad to be a Magistrate of the first class, within, and for the railway lands in His Highness the Nizam's territory.

[See *Gazette of India*, 1891, Pt. I, p. 699.]

Surgeon's fee granting certificate of fitness for employment in Factory.

No. 3610-I.B., dated the 8th December, 1899.—In exercise of the power conferred by section 5 of the Indian Factories Act, 1881 (XV of 1881), as applied to the railway lands in the territories of His Highness the Nizam of Hyderabad (other than the railway lands in the Hyderabad Assigned Districts and those referred to in the Notifications of the Government of India in the Foreign Department, No. 4564-I., dated the 18th November, 1891, and No. 3244-I.B., dated the 26th August, 1897) by the Notification of the Government of India in the Foreign Department, No. 1249-I.B., dated the 12th May, 1899, the Governor General in Council is pleased to prescribe a fee of four annas as the fee payable to a certifying surgeon by a person employed or desirous of being employed in a factory within the said lands for examining him and granting him a certificate in accordance with the provisions of that section.

[See *Gazette of India*, 1899, Pt. I, p. 1056.]

¹ The Indian Telegraph Act, 1885 (XIII of 1885), is now in force in these lands except those occupied by the Southern Mahratta Railway and the Barsi Light Railway, in virtue of Notification No. 1811-I.B., dated the 1st July, 1898, printed *supra*, p. 39, as being part of the Combined Area described in Chapter II *supra*.

² These notifications are now repealed in these Railways by Notification No. 1811-I. B., dated the 1st July, 1898.

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*contd.***2.-(b) Local Rules and Orders under Special Local Laws.**

Declaration as to the sub-division of the Dharwar District in which the lands occupied by the Southern Mahratta Railway in Hyderabad are to be deemed to be included.

No. 1244, dated the 2nd March, 1892.—In exercise of the power conferred by

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| 1. Angondankop. | 12. Itgi. |
| 2. Bannikop. | 13. Khanapur. |
| 3. Basapur. | 14. Kidadhal. |
| 4. Bhanapur. | 15. Koppal. |
| 5. Bevinhalli. | 16. Malenaikankop. |
| 6. Bullapur. | 17. Manapur. |
| 7. Dudagal. | 18. Rudrapur. |
| 8. Ginigeri. | 19. Sompur. |
| 9. Halgeri. | 20. Talbal. |
| 10. Hatanbal. | 21. Talkal. |
| 11. Hosahalli. | 22. Yettinhalli. |

clause (3) of the Governor General in Council's Notification in the Foreign Department, No. 4564-I. of 18th December, 1891, the Governor in Council is pleased to direct that the lands in the villages in His Highness the Nizam's territory named in the margin, which are occupied or may be hereafter occupied by the Southern Maratha Railway (including the lands occupied as stations

and for out-buildings and for other purposes connected with the said railway), shall be deemed to be included in the sub-division of the Dharwar District, of which, Khan Bahadur R. E. Kanga, Magistrate of the First Class, was appointed to be in charge by Government Notification No. 2124 of 15th April, 1891 (published in the *Bombay Government Gazette* for 1891, Pt. I, p. 320).

[See *Bombay Government Gazette*, 1892, Pt. I, p. 190.]

Lands occupied by the Southern Mahratta Railway in Hyderabad included within the local limits of the jurisdiction of the Subordinate Judge of Gadag.

No. 1245, dated the 2nd March, 1892.—In exercise of the power conferred upon

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| 1. Angondankop. | 12. Itgi. |
| 2. Bannikop. | 13. Khanapur. |
| 3. Basapur. | 14. Kidadhal. |
| 4. Bhanapur. | 15. Koppal. |
| 5. Bevinhalli. | 16. Malenaikankop. |
| 6. Bullapur. | 17. Manapur. |
| 7. Dudagal. | 18. Rudrapur. |
| 8. Ginigeri. | 19. Sompur. |
| 9. Halgeri. | 20. Talbal. |
| 10. Hatanbal. | 21. Talkal. |
| 11. Hosahalli. | 22. Yettinhalli. |

him by clause (3) of the Governor General in Council's Notification in the Foreign Department, No. 4564-I. of 18th November, 1891, the Governor in Council is pleased to direct that the lands in the villages in His Highness the Nizam's territory named in the margin, which are occupied or may hereafter be occupied by the Southern Mahratta Railway (including the lands

occupied as stations and for out-buildings and other purposes connected with the said Railway), shall be deemed to be included within the local limits of the jurisdiction of the Subordinate Judge of Gadag.

[See *Bombay Government Gazette*, 1892, Pt. I, p. 190.]

Lands occupied by the Barsi Light Railway in Hyderabad included within the Barsi Taluka of the Sholapur District.

No. 6159, dated the 9th October, 1897.—In exercise of the power conferred by

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| 1. Rudero. | section 5 of the Governor General in Council's |
| 2. Shendri. | Notification No. 3244-I. B., dated the 26th August, |
| 3. Uplai. | 1897 (published in the <i>Gazette of India</i> , dated |

the 26th August, 1897, p. 773), the Governor in Council is pleased to direct that the lands of the marginally noted villages in the territory of the Hyderabad State which are in the occupation of the Barsi Light Railway, including the lands occupied as stations, out-buildings and for all other purposes connected with the said Railway, shall be deemed to be included for all purposes within the Barsi Taluka of the Sholapur District.

[See *Bombay Government Gazette*, 1897, Pt. I, p. 1741.]

CHAPTER VII.—RAILWAYS UNDER BRITISH JURISDICTION—*concl'd.*

SUPPLEMENTARY NOTES.

I. Reciprocal execution of decrees.—The reciprocal execution of decrees between all the Civil Courts in the Nizam's Dominions subordinate to the Resident has been arranged under directions issued by the Resident in 1871 and 1878.

II. Railway Material.—Railway material imported for use in connection with a Railway constructed in a Native State under the suzerainty of Her Majesty has been exempted from the duty levied in Art. 93 of Schedule IV of the Indian Tariff Act (VIII of 1894) as if such railway were a railway as defined in that Act, see *Gazette of India*, 1895, Pt. I, p. 732, Notification No. 4193-S. R., dated the 30th August, 1895.

GENERAL APPENDIX.

- I. ORDERS RELATING TO EXECUTION AND SERVICE RESPECTIVELY BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN NATIVE STATES COURTS.
- II. ORDER RELATING TO EXECUTION BY BRITISH INDIAN COURTS OF DECREES OF CIVIL AND REVENUE COURTS IN COOCH BEHAR.
- III. ORDER EMPOWERING BRITISH COURTS IN NATIVE STATES TO SEND WARRANTS FOR EXECUTION OF CAPITAL SENTENCES TO JAILS IN BRITISH INDIA.
- IV. ORDER PROVIDING FOR THE RECOVERY IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL, BUT NOT FORMING PART OF BRITISH INDIA, OF REVENUE ARREARS ACCRUING IN BRITISH INDIA.
- V. ORDER REGULATING THE PRINTING AND PUBLICATION OF NEWSPAPERS IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL, BUT NOT FORMING PART OF BRITISH INDIA.
- VI. ORDERS PROVIDING FOR THE PREVENTION OF DANGEROUS EPIDEMIC DISEASES IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL, BUT NOT FORMING PART OF BRITISH INDIA.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES.

A.—Courts established or continued by the Governor General in Council in Native States.

No. 1361-I., dated the 29th March, 1889.—With reference to sections 90, 229, 229A, 229B and 650A of the Code of Civil Procedure, the Governor General in Council is pleased to notify that the following Courts among others are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely :—

Civil and Military Station of Bangalore.

The Courts of the Resident in Mysore, the Civil Judge and the Munsif.

Rajputana.

The District Courts of those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana ;

the District Court of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpore ;

¹ the District Court of that section of the Indian Midland Railway which is situated in the Dholpore State ;

the Court of the Magistrate of Abu ;

the Court of Small Causes for those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana ;

the Court of Small Causes of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpore ; and

¹ the Court of Small Causes for that section of that Indian Midland Railway which is situated in the Dholpore State.

Central India.

The District Courts, Rajputana-Malwa Railway, at Mhow and Neemuch ;

¹ The District Courts of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency ;

the Courts of the Civil Judge of Mhow, Neemuch, Nowgong and Indore ;

the Court of the Political Assistant, Guna ;

the Courts of Small Causes at Mhow, Neemuch, Nowgong, and Sipri ; ²

the Courts of Small Causes, Rajputana-Malwa Railway, Mhow and Neemuch Sections ; and

¹ the Court of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

Hyderabad.

All Civil Courts in the Hyderabad Assigned Districts ; and

the Civil Courts of the First and Second Assistant Residents, the Cantonment and Assistant Cantonment Magistrates of Secunderabad, and the Superintendent of the Residency Bazaars.

Baluchistan Agency.

² All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

Baroda.

The Court of Small Causes in the Cantonment of Baroda ; and

⁴ the Court of the First Assistant to the Agent to the Governor General.

¹ This clause was added by Notification No. 993-I., dated the 4th March, 1891, see *Gazette of India*, 1891, Pt. I, p. 124.

² Sipri was given back to the Gwalior Durbar in 1896.

³ This clause was added by Notification No. 1480-E, dated the 17th July, 1890, see *Gazette of India*, 1890, Pt. I, p. 530.

⁴ This clause was added by Notification No. 3331-I., dated the 4th October 1890, see *Gazette of India*, 1890, Pt. I, p. 734.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—
contd.

A.—Courts established or continued by the Governor General in Council in Native States—*contd.*

Manipur.

The Court of the Political Agent at Manipur.

Kashmir.¹

The Court of the Resident in Kashmir.

The Courts of Assistant to the Resident in Kashmir.

[See *Gazette of India*, 1889, Pt. I, p. 184.]

No. 2179-I., dated the 2nd July, 1890.—With reference to sections 90, 229, 229A, 229B and 650A of the Code of Civil Procedure, and in continuation of Foreign Department Notification No. 1361-I., dated the 29th March, 1889, the Governor General in Council is pleased to notify that the following Courts in the territories of Native Chiefs under the political control of the Government of Bombay are Courts established or continued by the Governor General in Council in the territories of Foreign Princes and States, namely :—

XIV of 1882.

Court of the Political Superintendent, Pálanpur.
Court of the Personal Assistant to the Political Superintendent, Pálanpur.
Court of the Political Agent, Kolhápúr and Southern Maratha Country.
Court of the Political Agent, Káthiáwár.
Court of the Assistant Political Agent, Jhálávád Pránt.
Court of the Assistant Political Agent, Soráth Pránt.
Court of the Assistant Political Agent, Hálár Pránt.
Court of the Assistant Political Agent, Gohelváđ Pránt.
Court of the Deputy Assistant Political Agent, Jhalavad Pránt.
Court of the Deputy Assistant Political Agent, Sorath Pránt.
Court of the Deputy Assistant Political Agent, Hálár.
Court of the Deputy Assistant Political Agent, Gohelváđ.
Court of Small Causes, Rajkot Civil Station.
Court of the Wadhwan District Thanadar.
Court of the Chotila Thanadar.
Court of the Dasada Thanadar.
Court of the Bhoika Thanadar.
Court of the Bahad Thanadar.
Court of the Vithalgad Thanadar.
Court of the Station Officer, Wadhwan.
Court of the Bagasra Thanadar.
Court of the Lakhapadar Thanadar.
Court of the Ladhika Thanadar.
Court of the Dhrafa Thanadar.
Court of the Deputy Thanadar, Mulila.
Court of the Babra Thanadar.
Court of the Songad Thanadar.
Court of the Chamardi Thanadar.
Court of the Datha Thanadar.

¹ Added by Notification No. 1421-E., dated the 13th July, 1891, see *Gazette of India*, 1891, Pt. I, p. 423.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.*

A.—Courts established or continued by the Governor General in Council in Native States—concl'd.

Court of the Chok Thanadar.
 Court of the Political Agent, Mahi Kantha.
 Court of the Assistant Political Agent, Mahi Kantha.
 Court of the Personal Assistant to the Political Agent, Mahi Kantha.
 Court of the Thanadar of the Bavissai Zilla.
 Court of the Thanadar of Sabar Kantha.
 Court of the Thanadar of Katosan.
 Court of the Thanadar of Ghadvada.
 Court of the Thanadar of Hadol.
 Court of the Thanadar of Jher Nirmali.
 Court of the Aval Karkun at Mahisa.
 Court of the Political Agent, Rewa Kantha.
 Court of the Assistant Political Agent, Rewa Kantha.
 Court of the Sankheda Thanadar.
 Court of the Pandu Thanadar.
 Court of the Thanadar of the Tharad Jamya villages.
 Court of the Thanadar of Vav.
 Court of the Thanadar of Santalpul.
 Court of the Thanadar of Varahi.
 Court of the Thanadar of Deodar.
 Court of the Thanadar of Kankrej.
¹ Court of the Assistant Political Agent, Kolhapur and Southern Maratha Country.

[See *Gazette of India*, 1890, Pt. I, p. 484.]

B.—Execution of Decrees.

1.—Application of section 229A of the Code of Civil Procedure to Courts established or continued by the Governor General in Council in Native States, and execution by those Courts of decrees of British-Indian Courts.

No. 1362-I., dated the 29th March, 1889.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare section 229A of the Code of Civil Procedure to apply to the Courts specified in the schedule hereto,² and to notify that a decree of any Court situate in British India which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to a Court specified in the schedule, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

SCHEDULE.

Civil and Military Station of Bangalore.

The Court of the Civil Judge.

¹ Added by Notification No. 4110-I., dated the 8th October, 1891, see *Gazette of India*, 1891, Pt. I, p. 572.

² For Courts in Native States under the Government of Bombay, to which section 229A of the Code of Civil Procedure has been applied, see General Appendix to the Western India Volume.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—
contd.

B.—Execution of Decrees—contd.

Rajputana.

The District Courts of those sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana;

the District Court of that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpore;

¹ the District Court of the section of the Indian Midland Railway which is situated in the Dholpur State;

the Court of the Magistrate of Abu;

the Courts of Small Causes for the sections of the Rajputana-Malwa Railway which are situated within the territories of States in Rajputana;

the Court of Small Causes for that section of the Cawnpore-Achnera Railway which is situated within the State of Bhartpore; and

¹ the Court of Small Causes for the section of the Indian Midland Railway which is situated in the Dholpur State.

Central India.

The District Courts, Rajputana-Malwa Railway, at Mhow and Neemuch;

² the District Courts of those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency;

the Courts of the Civil Judges of Mhow, Neemuch, Nowgong, and Indore;

the Court of the Political Agent, Guna;³

the Courts of Small Causes at Mhow, Neemuch, Nowgong, and Sipri;³

the Courts of Small Causes, Rajputana-Malwa Railway, Mhow and Neemuch Sections; and

¹ the Court of Small Causes for those sections of the Indian Midland Railway which are situated within the territories of States in the Central India Agency.

Hyderabad.⁴

All Civil Courts in the Hyderabad Assigned Districts; and

the Civil Courts of the Second Assistant Resident, the Cantonment and Assistant Cantonment Magistrates of Secunderabad, and the Superintendent of the Residency Bazaars.

Baluchistan Agency.

⁵ All Civil Courts in the territories administered by the Agent to the Governor General in Baluchistan as such Agent.

Baroda.

The Court of Small Causes in the Cantonment of Baroda; and

⁶ the Court of the First Assistant to the Agent to the Governor General.

Manipur.

The Court of the Political Agent at Manipur.

Kashmir.⁷

The Court of the Resident in Kashmir.

The Courts of Assistants to the Resident in Kashmir.

[See *Gazette of India*, 1889, Pt. I, p. 185.]

¹ These clauses were added by Notification No. 897-I., dated the 4th March, 1891, see *Gazette of India*, 1891 Pt. I, p. 124.

² Now styled Assistant to the Resident at Gwalior.

³ Sipri was given back to the Gwalior Durbar in 1896.

⁴ Processes issued by these Courts may be served free of charge by the Courts of the Bombay Presidency, see Rule XIX of the Rules by the Bombay High Court under ss 20 and 22 of the Court Fees Act, 1870 (VII of 1870), *Bombay Government Gazette*, 1888, Pt. I, p. 593.

⁵ This clause was added by Notification No. 1491-E., dated the 17th July, 1890, see *Gazette of India*, 1890, Pt. I, p. 590.

⁶ This clause was added by Notification No. 3332-I., dated the 4th October, 1890, see *Gazette of India*, 1890, Pt. I, p. 735.

⁷ Added by Notification No. 1432-E., dated the 10th July, 1891, see *Gazette of India*, 1891, Pt. I, p. 424.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.*

B.—Execution of Decrees—contd.

2.—Execution by all Courts established or continued by the Governor General in Council in Native States of decrees of other such Courts.

No. 1363-I., dated the 29th March, 1889.—In exercise of the powers conferred XI of 1879, by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to notify that a decree of any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State which cannot be executed within the jurisdiction of the Court by which it was made may, if sent for execution to any other such Court, be executed by the other Court, to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

[See *Gazette of India*, 1889, Pt. I, p. 186.]

3.—Execution by all Courts established or continued by the Governor General in Council in Native States of decrees of Civil and Revenue Courts not so established or continued in Mysore and in Bombay Native States.

No. 1364-I., dated the 29th March, 1889.—In exercise of the powers conferred XI of 1879, by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to notify that a decree of any Civil or Revenue Court situate in the territories of His Highness the Maharaja of Mysore, and not established or continued by the authority of the Governor General in Council, may, if sent for execution to a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, be executed by that Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself.

[See *Gazette of India*, 1889, Pt. I, p. 186.]

No. 2183-I., dated the 2nd July, 1889.—In exercise of the powers conferred by XI of 1879, sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, and in continuation of Foreign Department Notification No. 1364-I., dated the 29th March, 1889, the Governor General in Council is pleased to notify that, pending further orders, a decree of any of the undermentioned Courts situate in Native States, within the political control of the Government of Bombay, and not established or continued by the authority of the Governor General in Council, may, if sent for execution to a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, be executed by the Court to the same extent and in the same manner as that Court might execute within the limits of its jurisdiction a decree made by itself :—

Kolhapur.

Court of the Council of Administration, Kolhapur.

- „ Chief Judge of Kolhapur.
- „ Sadar Amin of Kolhapur.
- „ Munsif of Shirol.
- „ Gad Hinglaj.
- „ Joint Officer at Katkol.
- „ Munsif of Vishalgad.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*contd.*

B.—Execution of Decrees—concl'd.

Kolhapur—contd.

Court of the	Munsif of Inchalkaranji.
"	Chief of Bavda.
"	Karbhari of Bavda.
"	Karbhari of Kagal.
"	Karbhari of Kapsi. ¹

Southern Maratha Country.

Court of the	Chief of Mudhol .	:	:	:	} Mudhol State Courts.
"	Nyayadhish of Mudhol	:	:	:	

Janjira.

Court of the Sir Nyayadhish of Janjira.

Mahi Kantha.

Court of the	Government Manager of Mansa.
"	Japtidar of Mobanpur.
"	" Varsoda.
"	" Pethapur.
"	" Vasna.
"	" Valasna.
"	" Palej.
"	" Galeat.

Rewa Kantha.

Court of the	Administration of Rajpipla.
"	Assistant Administrator of Rajpipla.
"	Sir Nyayadhish of Rajpipla.
"	Subordinate Judge of Bhalod.

Surat.

Court of the	Administrator of Sachin.
"	Diwan of Sachin.
"	Tahsildar of Sachin.

Southern Maratha Country.

Court of the	Joint Administrators of Miraj (junior)	} Courts of Miraj (junior).
"	Munsif of Kowtha	.	.	.	.
"	" Gadgeri	.	.	.	.
"	" Karoli	.	.	.	.
"	Administrators of Ramdurg	} Courts of the Ramdurg State.
"	Nyayadhish of Ramdurg	.	.	.	.

Savantvadi.

Court of the	Political Superintendent, Savantvadi.
"	Assistant Political Superintendent, Savantvadi.
"	² [Chief Judge of Savantvadi.]
"	Nyayadhish of Savantvadi.
"	Munsif of Kudal.
"	Small Causes of Vadi. ³

Sholapur.

Court of the Subordinate Judge of Akalkot.
Subordinate Court of Pil.

" Kurla
[See *Gazette of India*, 1890, Pt. I, p. 486.]

¹ Added by Notification No. 2594-I., dated the 6th August, 1890, see *Gazette of India*, 1890, Pt. I, p. 612.

² The words "the Chief Judge of Savantvadi" were substituted for the words "Judicial Assistant Political Superintendent, Savantvadi" by Notification No. 3631-I.A., dated the 24th September, 1897, see *Gazette of India*, 1897, Pt. I, p. 862.

³ This Court was added by the notification quoted in the second note, *supra*.

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—
contd.

C.—Service of summonses.

- 1.—Service by all Courts established or continued by the Governor General in Council in Native States of summons issued by British-Indian Civil or Revenue Courts.

No. 1866-I., dated the 29th March, 1889.—In exercise of the powers conferred
XXI of 1879. by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Civil or Revenue Court in British India for service within the local limits of the jurisdiction of a Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State shall, if sent to that Court, be served by that Court within those limits
XIV of 1882. in manner provided by the Code of Civil Procedure, and, after being so served, be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in section 90 of that Code.

[See *Gazette of India*, 1889, Pt. I, p. 186.]

- 2.—Service by all Courts established or continued by the Governor General in Council in Native States of summonses issued by other such Courts.

No. 1867-I., dated the 29th March, 1889.—In exercise of the powers conferred
XXI of 1879. by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State, for service within the local limits of the jurisdiction of any other such Court, shall, if sent to the other Court, be served by that Court within those
XIV of 1882. limits in manner provided by the Code of Civil Procedure, and, after being so served, be returned with such an endorsement under the hand of the Judge of the Court as is mentioned in section 90 of that Code.

[See *Gazette of India*, 1889, Pt. I, p. 189.]

- 3.—Service by all Courts established or continued by the Governor General in Council in Native States of summonses issued by Civil and Revenue Courts not so established or continued in Hyderabad, Mysore, Central India and Bombay Native States.

No. 1868-I., dated the 29th March, 1889.—In exercise of the powers conferred
XXI of 1879. by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct that a summons issued by any Civil or Revenue Court situate within the territories of His Highness the Nizam of Hyderabad, or His Highness the Maharaja of Mysore, or of any Prince or State in Central India, and not established or continued by the authority of the Governor General in Council, shall, if sent to any Court so established or continued in the territories of any Foreign Prince or State, be served by that Court as if the summons had been issued by itself, and, after being so served, be returned with an endorsement of such service under the hand of the Judge of the Court.

[See *Gazette of India*, 1889, Pt. I, p. 187.]

I.—EXECUTION AND SERVICE BY BRITISH COURTS IN NATIVE STATES OF DECREES AND SUMMONSES OF COURTS IN BRITISH INDIA AND OF CERTAIN COURTS IN NATIVE STATES—*concl'd.*

C.—*Service of summonses—concl'd.*

No. 2182-I., dated the 2nd July, 1890.—In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act, 1879, and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in continuation of Foreign Department Notification No. 1308-I., dated 29th March, 1889, to direct that a summons issued by any Civil or Revenue Court in a Native State, situate within the political control of the Government of Bombay, and not established or continued by the authority of the Governor General in Council, shall, if sent to any Court so established or continued in the territories of any Foreign Prince or State, be served by that Court as if the summons had been issued by itself, and, after being so served, be returned with an endorsement of such service under the hand of the Judge of the Court. XXI of 1879.

[See *Gazette of India*, 1890, Pt. I, p. 486.]

II.—SERVICE BY BRITISH INDIAN COURTS OF SUMMONSES ISSUED BY THE CIVIL AND REVENUE COURTS IN THE NIZAM'S TERRITORIES.¹

No. 752-J.B., dated the 17th March, 1899.—Under the provisions of section 650A of the Code of Civil Procedure (Act XIV of 1882), the Governor General in Council is pleased to declare that summonses issued by any Civil or Revenue Court within the Territories of His Highness the Nizam of Hyderabad may be sent to the Courts in British India and served as if they had been issued by such Courts.

[See *Gazette of India*, 1899, Pt. I, p. 153.]

¹ The reciprocal service of civil processes between the Territories of His Highness the Nizam and British India has been arranged, *see* Resident's letter No. 145, dated the 10th September, 1889, and the Rukha from the Nizam's Minister, No. 2257, dated the 17th August, 1899.

As to the reciprocal execution and realization of decrees of the City and Suburban Courts of the Nizam's Government, the Sikandarabad Cantonment, Hyderabad Residency Bazzars and the Bolaram Cantonment, *see* Notification No. 26, dated the 19th December, 1884, printed, *supra*, p. 415, and No. 3316-I., dated the 3rd October, 1890, *Gazette of India*, 1890, Pt. I, p. 720.

The reciprocal execution of decrees between all Civil Courts in the Nizam's Dominions subordinate to the Resident at Hyderabad, has been arranged under directions issued by the Resident in 1871 and 1878.

For execution of decrees and service of summonses of Native States Courts, under the Government of Bombay and the service of summonses of Baroda Courts, *see* General Appendix to the Western India Volume.

For service of summonses of Civil Courts of the Khairpur State in Sind by British-Indian Courts, *see* *ibid*.

For service of summonses of Civil and Revenue Courts in Native States in Central India by Courts in British India, *see* the Central India Volume.

For execution of decrees of Cochin and Travancore Courts by British-Indian Courts, *see* the Southern India (Madras and Mysore) Volume.

For execution of decrees and service of summonses of Mysore Courts (including Courts in the Civil and Military Station of Bangalore) by Courts in British India, *see* the Madras and Mysore (Southern India) Volume.

For execution of decrees of Cooch Behar Courts by the British-Indian Court, *see* Supplementary Notes to Chap. I (1), Part II of the Northern India Volume.

III.—ORDER EMPOWERING BRITISH COURTS BEYOND THE LIMITS OF BRITISH INDIA TO SEND, IN CERTAIN CASES, THEIR WARRANTS FOR THE EXECUTION OF CAPITAL SENTENCES TO SUPERINTENDENTS OR KEEPERS OF JAILS IN BRITISH INDIA.

¹No. 1431-I., dated the 27th April, 1893.—Whereas a capital sentence is occasionally passed by a British Court exercising in or with respect to territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory ;

And whereas there may be in such territory no secure place for the confinement of a prisoner under sentence of death or no suitable appliances for his execution in a decent and humane manner :

In exercise of the powers conferred by sections 4 and 5 of the Foreign Jurisdiction and Extradition Act (XXI of 1879), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to direct as follows :—

1. When any person is sentenced to death by a British Court in the exercise of such jurisdiction as is referred to in the first paragraph of the preamble to this notification, and, in the opinion of the Court, such sentence should for any such reason as is referred to in the second paragraph of the said preamble be executed in British India, the Court shall issue its warrant for such execution to the superintendent or keeper of a jail in British India, and shall in such warrant prescribe, as nearly as may be, the place in British India where such superintendent or keeper is to cause the execution to be carried out.

2. The jail in British India to which the Court may send its warrant under the provisions of this notification shall be such as the Governor General in Council, or a Local Government authorized by him in this behalf, may by general or special order direct.

3. Every warrant for the execution of a sentence of death to be issued by a Court under the provision of this notification shall be in the form set forth in the schedule hereto annexed.

SCHEDULE.

FORM OF WARRANT.

To the Superintendent or Keeper of the Jail at _____ in British India.

Whereas at a trial held on the _____ day of _____, 189 , at (*name of place*), in (*name of territory*), before me A. B. (*name of Judge*), being the presiding officer of a British Court exercising in (*or with respect to*) territory beyond the limits of British India jurisdiction which the Governor General in Council has in such territory, C. D. (*name of prisoner*) was duly convicted of the offence of culpable homicide amounting to murder and sentenced to suffer death [**and the said sentence has been confirmed by E. F. (name of authority)*];

And whereas there is in (*name of territory*) no secure place for the confinement of a prisoner under sentence to death (*or no suitable appliances for the execution of a person under sentence of death in a decent and humane manner*);

And whereas this Court is of opinion that for the reasons aforesaid the said sentence should be executed in British India;

* To be omitted when sentence does not require confirmation.

¹ For complementary order issued under the powers conferred by section 2 of the Foreign Jurisdiction Capital Sentences Act, 1893 (V of 1893), appointing certain jails in the Bombay Presidency to which certain British Courts beyond British India may send their warrants for the execution of capital sentence, see *Bombay Government Gazette*, 1895, Pt. I, p. 777.

IV.—ORDER PROVIDING FOR THE RECOVERY IN TERRITORIES
ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL
BEYOND BRITISH INDIA OF REVENUE ARREARS ACCRUING
IN BRITISH INDIA.

No. 1415-I., dated the 30th April, 1890.—The Governor General in Council is pleased to apply the Revenue Recovery Act (I of 1890) to all territories in India which are under the administration of the Governor General in Council, but which are not part of British India, including the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, and to direct that an arrear of land revenue accruing in any part of British India, or a sum recoverable as such an arrear and payable to a Collector or other public officer, or to a local authority, in any part of British India, may be recovered in any of those territories under the said Act as hereby applied.

[See *Gazette of India*, 1890, Pt. I, p. 342.]

V.—ORDER REGULATING THE PUBLICATION OF NEWSPAPERS AND OTHER PRINTED WORKS IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BEYOND BRITISH INDIA.

No. 2651-I., dated the 25th June, 1891.—(AN ORDER RESPECTING THE PUBLICATION OF NEWSPAPERS AND OTHER PRINTED WORKS IN PLACES ADMINISTERED BY THE GOVERNOR GENERAL IN COUNCIL BUT NOT FORMING PART OF BRITISH INDIA.)

Whereas some misapprehension has hitherto existed as to the regulations in force in territory under the administration of the Governor General in Council, but beyond the limits of British India, with reference to newspapers published within such territory, the Governor General in Council has been pleased to make the following orders :

1. No newspaper or other printed work, whether periodical or other, containing public news or comments upon public news, shall, without the written permission for the time being in force of the Political Agent, be edited, printed or published after the first day of August, 1891, in any local area administered by the Governor General in Council, but not forming part of British India.

2. If after the day aforesaid any person shall, without such permission as aforesaid, edit, print or publish any such newspaper or other work as aforesaid in any such local area as aforesaid, the Political Agent may, by order in writing,—

(a) require him to leave such local area within seven days from the date of such order, and

(b) prohibit him from re-entering such local area without the written permission of the Political Agent.

3. If any such order as is mentioned in the last foregoing paragraph be disobeyed, the offender shall be liable to forcible expulsion from such local area in pursuance of an order to be made in writing by the Political Agent.

4. Any written permission granted by a Political Agent for the editing, printing or publishing of any such newspaper or other work as aforesaid may at any time be withdrawn by the Political Agent or any of his successors in office.

5. The expression “Political Agent” has in these orders the meaning assigned thereto by the Foreign Jurisdiction and Extradition Act, 1879, and the Code of Criminal Procedure, 1882.¹

XXI of 1879.
X of 1882.

[See *Gazette of India*, 1891, Pt. I, p. 382.]

¹ See now the Code of Criminal Procedure, 1898 (Act V of 1898), which repeals Act X of 1882.

VI.—ORDERS PROVIDING FOR THE PREVENTION OF DANGEROUS EPIDEMIC DISEASES IN TERRITORIES ADMINISTERED BY THE GOVERNOR GENERAL, BUT NOT FORMING PART OF BRITISH INDIA.

1.—*Application of the Epidemic Diseases Act, 1897 (III of 1897).*

No. 443-I.A., dated the 4th February, 1897.—Whereas certain parts of India are visited by, and others threatened with, an outbreak of dangerous epidemic disease known as bubonic plague, the Governor General in Council is pleased to apply the Epidemic Diseases Act, 1897, to all territories in India which are under the administration of the Governor General in Council, but are not part of British India, including the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, and including also all lands which are, or may hereafter be, occupied by railways, and in which the Governor General in Council has or exercises jurisdiction.

2. For the purposes of the said enactment so applied, the expression "Local Government" shall be construed to mean the person who for the time being administers executive government in the territories concerned.

[See *Gazette of India*, 1897, Pt. I, p. 106.]

2.—*Delegation of power under section 2 (2) (b) of Act III of 1897.*

No. 444-I.A., dated the 4th February, 1897.—Whereas certain parts of India are visited by, and others threatened with, an outbreak of dangerous disease known as bubonic plague, the Governor General in Council, in exercise of the powers conferred by section 2, sub-section (3), of the Epidemic Diseases Act, 1897, as applied by the Notification of the Government of India in the Foreign Department, No. 443-I.A., dated the 4th February, 1897 to all territories in India which are under the administration of the Governor General in Council, but are not part of British India, including all railway lands and the territories for the time being administered by the Agent to the Governor General in Baluchistan as such Agent, is pleased to direct that the powers conferred by section 2, sub-section (2), clause (b), of the said Act as so applied, may be exercised by the Local Government in each case.

[See *Gazette of India*, 1897, Pt. I, p. 206.]

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